

**TAMPA PORT AUTHORITY
SUBMERGED LANDS MANAGEMENT RULES**

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**TAMPA PORT AUTHORITY
SUBMERGED LANDS MANAGEMENT RULES**

I. GENERAL

A. PURPOSE

The intent and purpose of these rules are:

1. To aid in fulfilling the trust and fiduciary responsibilities of the Tampa Port Authority for the administration, management and disposition of Sovereignty Lands (as hereinafter defined) in Hillsborough County;
2. To provide for marine construction rules on submerged lands jurisdictional for the Tampa Port Authority per Section 25(m) (minor work permitting) of Chapter 95-488, Laws of Florida, as amended;
3. To insure maximum benefit and use of Sovereignty Lands for all the citizens;
4. To manage, protect, and enhance Sovereignty Lands so that the public may continue to enjoy traditional uses including, but not limited to, navigation, fishing and swimming; and to minimize conflicts between these uses;
5. To manage and provide maximum protection for all Sovereignty Lands, especially those important to public drinking water supply, shellfish harvesting, public recreation, and fish and wildlife propagation and management; and
6. To insure that all public and private activities on Sovereignty Lands which generate revenues or exclude traditional public uses provide just compensation for such privileges.

B. HISTORY

These rules are adopted pursuant to the powers granted to the Tampa Port Authority by the State of Florida under Section 6 of Chapter 95-488, Laws of Florida, as amended. These rules replace existing regulations of the Authority adopted by the Tampa Port Authority in July, 1983 pursuant to Chapter 23338, Laws of Florida, as amended.

C. DEFINITIONS

1. "Accretion" means the process of gradual and imperceptible addition of soil, sand, sediment, or other material to riparian lands made by the natural action of water which results in the creation of dry lands in areas formerly covered

by water.

2. "Activity" means any use of Jurisdictional Lands (as hereinafter defined). Activity includes, but is not limited to, the construction, reconstruction, repair, or modification of docks, piers, ramps and other structures, dredging and filling, removal of submerged or emergent vegetation, the removal of products.
3. "Aesthetic values" means scenic characteristics of a waterbody in its essentially natural state.
4. "Affected waterbody" means that waterbody expected to be impacted by an activity in terms of aesthetics, resource value, water quality, navigation, wildlife habitat value and any other attribute related to public trust responsibilities of the Authority.
5. "Applicant" means any person who applies for the conveyance of an interest in Jurisdictional Lands or for authorization to conduct an activity on such lands.
6. "Approved upland residential units" means the number of residential units given final development approval by a local government for one parcel of land riparian to the affected waterbody. Conceptual approval shall not constitute final approval.
7. "Aquatic Resource Protection Area" means any and all of those exceptional areas of Sovereignty Lands and the associated waterbody so designated in Section IV.D. of these rules.
8. "Archaeological research" means activities conducted by qualified institutions or individuals under the terms of an archaeological research permit granted by the Division of Historical Resources in accordance with Chapter 1A-32, F.A.C.
9. "Authority" means the Tampa Port Authority as established by Chapter 95-488, Laws of Florida, as amended, which is the governing body and authority of the Port District.
10. "Authorization" means the permission granted by the Authority for a person to construct a structure or facility or to carry out an activity or use on Jurisdictional Lands.
11. "Avulsion" means the sudden or perceptible addition to or loss of land by the action of water, or the sudden or perceptible change in the bed of a lake, or the course of a stream.

12. "Biological communities" means any assemblage of indigenous interdependent plants and animals, such as, but not limited to, grass beds, algal beds, sponge beds, octocoral patches or beds, hard coral patches or reefs, marshes and swamps, including mangroves. The term applies to identifiable assemblages of organisms as opposed to scattered or single individual organisms.
13. "Board of the Authority" or "Board" means the five members of the Tampa Port Authority appointed pursuant to the provisions of Chapter 95-488, as amended.
14. "Channel" means a trench, whose bottom and the upper edges of its sides are below water, that is used or capable of being used to accommodate navigation.
15. "Compensatory Mitigation" means the replacement of natural resource values lost through activities on Sovereignty Lands through the creation or enhancement of natural resource features or other activities.
16. "Consent by Rule" means a non-possessory form of authorization that is granted automatically by this rule provided that the conditions set forth in Section II.A.1 are satisfied.
17. "Conservation Easement" means a perpetual right or undivided interest in real property granted to the Authority or other public agency, for the purpose of retaining land or water areas predominantly in their natural, scenic, open or wooded conditions; retaining the areas as habitat for fish, plants or wildlife; retaining the structural integrity or physical appearances of sites or properties of historical, architectural or archaeological significance; or prohibiting certain specified activities, such as the further construction of docks, ramps and piers.
18. "Covered slip" means a slip with a non-accessible roof structure, not including sidewalls, designed, constructed and used solely for the purpose of providing shelter to a vessel.
19. "Dock" or "docking facility" means a fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels.
20. "Easement" means a non-possessory interest in lands created by a grant from or agreement with the Authority that confers upon the recipient the limited nonexclusive right and privilege to use such lands for a specific purpose and for a specific time.
21. "Enabling Act" means the Authority's enabling act (Chapter 95-488, Laws of

Florida, as amended from time to time).

22. "Facility" means any boat ramp, covered slip, pier, dock, pilings, marina or other structure used to facilitate ingress and egress from an associated upland area to waters of the State of Florida.
23. "Fill" means material from any source deposited by any means onto Sovereignty Lands, including spoil, sand, clay, silt, rock, dredged material, construction debris, solid waste, and residue from industrial and domestic processes. Pilings, utility poles, riprap, artificial reefs, breakwaters and groins are not fill.
24. "First come, first served" means that a docking facility is open to use by the general public without any qualifying requirements such as club membership or ownership of stock or an interest in adjacent uplands.
25. "Geophysical testing" means the use of gravity, seismic, and similar geophysical techniques to obtain information and data on oil, gas or other mineral resources. Seismic techniques include air guns, sparklers, sniffers, waterguns, mini-sleeve systems, steam injection, percussion sampling, electronic equipment, jet and dart methods, and other nonexplosive energy sources.
26. "Jurisdictional Lands" means Sovereignty Lands and those certain submerged, non-Sovereignty Lands which the Authority has marine construction permitting authority over pursuant to Section 25 of the Enabling Act.
27. "Lease" means an interest in Sovereignty Lands granted by a contract between the Authority as landlord and the applicant as tenant whereby the Authority grants and transfers for consideration to the applicant the exclusive use, possession, and control of certain specified Sovereignty Lands for a specific number of years, under certain specified conditions.
28. "Live rock" means any rock material with marine organisms attached to it.
29. "Liveaboard vessel" means any vessel equipped for and inhabited by persons on an overnight basis.
30. "Maintenance dredging" means any dredging of materials from Sovereignty Lands which will restore a previously dredged area to original design specifications.
31. "Management Agreement" means a contractual agreement between the Authority and one or more parties that does not create an interest in real

property but authorizes the conduct of specified management activities for a fixed length of time on Sovereignty Lands.

32. "Mangrove" means any specimen of the species Avicennia germinans (black mangrove), Laguncularia racemose (white mangrove), Rhizophora mangle (red mangrove), or Conocarpus erectus (buttonwood).
33. "Marina" means an income generating docking facility used primarily for boat mooring or storage.
34. "Mean high water" implies the average height of the high tides over a 19 year period. For shorter periods of observation, "mean high water" is the average height of the high water after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19 year value.
35. "Mean high water line" is the intersection of the tidal plane of mean high water with the shore as determined in accordance with Chapter 177 Part II, F.S., and Chapter 18.11.
36. "Minor work permit" defines permits for such projects as defined in Section 25(m) of the Enabling Act.
37. "Multi-slip docking facility" means a docking facility designed to moor three or more vessels.
38. "Ordinary high water line (OHWL)" means the boundary between Sovereignty Lands and the adjacent uplands along non-tidal waterbodies.
39. "Person" means any individual, corporation, partnership, firm, association, joint venture, estate, trust, business trust, syndicate, fiduciary, commission, county, municipality or political subdivision of a state, any interstate body, the federal government, or any subdivision thereof and all other groups or combinations, whether public or private.
40. "Pier" means a structure in, on, or over Jurisdictional Lands, which is used primarily for fishing or swimming. A pier shall not include any boat mooring structures.
41. "Port Director" means the senior administrator of the Authority staff as provided for by Section 4 (d) of the Enabling Act.
42. "Preempted area" means the area of Jurisdictional Lands upon which traditional public uses have been or would be excluded by structure occupancy. The area may include, but is not limited to: the submerged lands occupied by the docks and other structures; swimming areas set apart by

buoys, ropes or similar structures and boat lift structural areas.

43. "Private easement" means an easement the benefits of which are enjoyed by or enure to a select group of persons.
44. "Private multi-family docking facility" means a docking facility located adjacent to riparian upland property that is or will be developed to accommodate multiple living units. The term shall include, but not be limited to, docking facilities for condominiums, townhomes, zero lot line developments, residential subdivisions, and yacht clubs whose members must have real property interest in upland property within the surrounding community.
45. "Private single-family docking facility" means a docking facility used in association with a private, single-family detached residence that is designed, constructed and used to moor no more than two vessels.
46. "Public body" means a federal, state, regional or local governmental unit, agency or any subdivision thereof.
47. "Public easement" means an easement the enjoyment of which is intended to be used by the public in general.
48. "Public interest" means demonstrable environmental, social, or economic benefits that would accrue to the public at large as a result of a proposed action and that would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action.
49. "Public land" means any land that a public entity has a title interest.
50. "Public navigation project" means an activity intended primarily for the purpose of navigation which is authorized and funded by the United States Congress or by a port authority as defined in Section 315.02(2), F.S.
51. "Public utilities" means services such as electricity, telephone, public water and wastewater, and the structures necessary for the provision of these services, provided by persons regulated by the Public Service Commission, or which are provided by rural cooperatives or public bodies.
52. "Repair" means activities undertaken to maintain existing structures in a safely useable and functional condition without modifying the dimensions or footprint of the original structure.
53. "Revenue-generating structure or activity" means any structure or activity that directly produces income through rental or any other means, or any

structure or activity that indirectly produces income by serving as an accessory facility to a rental, commercial, industrial or other revenue generating operation.

54. "Riparian rights" means those rights incident to lands bordering upon navigable waters, as recognized by the courts and cannon laws.
55. "Riprap" means a man-made aggregation of unconsolidated boulders, rocks, or clean concrete rubble having no exposed reinforcing rods or similar protrusions, designed to break the force of waves and to protect the shore from erosion.
56. "Sale" means a conveyance of interest in lands by the Board for consideration.
57. "Satisfactory evidence of title" means a warranty deed or a copy of a current title insurance policy issued by a title insurance company authorized to do business in the State of Florida, a title opinion prepared by a member of the Florida Bar indicating the applicant's interest in the land, or such affidavits or other documents as may be required to establish the nature, extent and currency of an applicant's title interest in certain lands.
58. "Seawall" means a vertical structure built along a portion of a coast, retaining earth against its landward face and designed to prevent erosion and damage by wave action.
59. "Slip" means an area of the water column above Jurisdictional Lands specifically set aside for the mooring of a single vessel associated with a docking facility.
60. "Sovereignty Lands" means those lands waterward of the ordinary or mean high water line under navigable waterbodies to which the State of Florida acquired title on March 3, 1845, by virtue of statehood, or subsequently received by any act of the legislature or the United States, that have not been conveyed or alienated by the State of Florida, and which have been transferred to the Authority pursuant to Chapter 23-338, Laws of Florida, as amended.
61. "Spoil" means materials dredged from submerged lands.
62. "Sundeck" means an accessible and railed flat deck constructed over a covered slip.
63. "Terminal platform" means that part of a dock or pier that is connected to the

access walkway, is located at the terminus of the facility, and is designed to secure and load or unload a vessel or conduct other water dependent activities.

64. "Use agreement" means a grant or agreement with the Authority that confers upon the recipient a nonexclusive and limited right, liberty and privilege to use Sovereignty Lands for a specific purpose and for a specific time.
65. "Water dependent activity" means an activity that can only be conducted on, in, over, or adjacent to water areas because the activity requires direct access to the water body or Jurisdictional Lands for transportation, recreation, energy production or transmission, or source of water and the use of the water or Jurisdictional Lands is an integral part of the activity.
66. "Water dependent structure" means any structure designed to accommodate water dependent activities.

D. JURISDICTION

1. The boundary between Jurisdictional Lands and the adjacent uplands on tidal waterbodies is the mean high water line.
2. The boundary between Sovereignty Lands and adjacent uplands on nontidal waterbodies is the ordinary high water line.
3. The Authority also has marine construction permitting authority over non Sovereignty Lands as specified in Section 25 of the Enabling Act. Jurisdictional boundaries are as referenced above in items 1 and 2.

II. PROCEDURES

A. TYPES OF APPROVALS

1. Consent by Rule

The Authority hereby authorizes the activities set forth in this subsection to be conducted on Jurisdictional Lands, provided that such activities are carried out by the upland riparian owner strictly in accordance with the standards and guidelines set forth in this section, and further provided that the shoreline at the site is not subject to any conveyance of Conservation Easement or restrictive covenant of record. This authorization is not construed to mean that the person carrying out such activity, his heirs, successors, or assigns, obtains any vested right pursuant to this authorization. Further, **this authorization does not preclude the necessity for obtaining any**

applicable permit from the Authority as required by Section 25 of the Enabling Act, **or applicable approval from the Environmental Protection Commission Hillsborough County.**

Failure of a person to conduct such activities in compliance with the criteria and standards of this section shall void the consent granted herein and subject such person, his heirs, successors, or assigns, to appropriate remedial action. Any person proposing to conduct activities under the provisions of this section who is uncertain about the applicability of this section or whether the use or activity would be consistent with the standards and conditions of this section should contact the Authority's Environmental Department. Any person who desires to undertake an activity not in accordance with this Consent by Rule Section must submit an application as described in Section II.B. below.

Activities conducted pursuant to Consent by Rule must comply with the following conditions:

- * All state and federal approvals must be obtained or waived; all local government approvals must be obtained and such activities shall be consistent with the local government comprehensive plans and land development regulations.
- * The structure or activity must be constructed in such a manner to avoid or minimize adverse impacts on wetlands, biological communities, shellfish areas, and aquatic plant and animal species;
- * The structure or activity must not interfere with navigation;
- * All work in wetlands must be authorized by the Environmental Protection Commission of Hillsborough County (EPCHC) if deemed jurisdictional; and
- * The structure or activity must not harm or injure an endangered or threatened species nor adversely impact the critical habitat of such species.

The following activities are authorized to be undertaken, provided the activity is consistent with the standards for use for the affected submerged lands and is properly permitted by the Authority pursuant to the Enabling Act:

- a. Installation and repair of seawalls, bulkheads, and rip-rap revetments;
- b. Alterations to shoreline or submerged vegetation, including the trimming of mangroves on Sovereignty Lands authorized or exempt under Chapter 17-321, F.A.C.;

- c. Individual or joint private single-family docking facilities provided that the preempted area associated with the docking facility and any additional access facilities does not exceed ten square feet of Jurisdictional Land for each linear foot of shoreline owned by the applicant or applicants along the affected waterbody;
- d. Multi-family boat ramps and associated courtesy piers, provided that the preempted area associated with the ramp and any additional access facilities does not exceed ten square feet of Jurisdictional Land per foot of shoreline owned by the applicant along the affected waterbody;
- e. Public docking facilities, public boat ramps and associated courtesy piers, and public fishing piers, provided that the facility is operated by a local government or public agency and use of the facility is provided to the general public at no charge;
- f. Private multi-family fishing piers and swimming areas, provided that the preempted area associated with the pier, swimming area and any additional access facilities does not exceed ten square feet of Jurisdictional Land for each foot of shoreline owned by the applicant along the affected waterbody;
- g. Repair or replacement of existing authorized docks, ramps, and piers within aquatic preserves;
- h. Permanent buoys and ski jumps for water skiing;
- i. New dredging provided that the dredging does not create a channel or connect canals or other artificial or privately owned waterways to waters of the state, or for the creation of uplands;
- j. Maintenance dredging of existing channels, mooring basins, or turning areas which were either previously permitted by the Authority, Federal government, or State government, or constructed prior to July 1, 1967, provided that the dredging does not exceed original permitted depth and width;
- k. Renourishment of publicly owned beaches;
- l. Placement of materials for artificial reefs available for use by the general public;
- m. Installation of private seawall reefs or under-dock reefs for fisheries habitat enhancement;

- n. Installation of aerial utility crossing, provided that the crossing does not provide utilities to an unbridged island;
- o. Any non-prohibited use of Sovereignty Lands within an Aquatic Resource Protection Area which does not require a lease, easement, or other form of authorization from the Authority.
The Authority may require a lease, easement or other form of authorization for any structure or activity that is likely to have a significant impact on natural or historic resources, should be subject to increased public review and participation, or the requirement of another such form of authorization is in the public interest;
- p. The placement of navigation aids and other water dependent signs and markers approved and installed in accordance with the requirements of the U.S. Coast Guard and the Florida Marine Patrol.

2. Lease

The following structures and activities may be authorized by a lease so long as the structure or activity is consistent with the Standards for Use for the affected Sovereignty Lands.

- a. Individual or joint private single-family docking facilities that do not qualify for Consent by Rule and that preempt, either alone or in association with other access facilities, more than ten square feet of Sovereignty Land for each linear foot of shoreline associated with the riparian upland parcel or parcels;
- b. Private multi-family docking facilities;
- c. Multi-family boat ramps that preempt, either alone or in association with other access facilities, more than ten square feet of Sovereignty Land for each linear foot of shoreline associated with the riparian upland parcel;
- d. Private multi-family fishing piers and swimming areas that preempt, either alone or in association with other access facilities, more than ten square feet of Sovereignty Land for each linear foot of shoreline associated with the riparian upland parcel;
- e. Aquaculture activities; and
- f. Any revenue generating structure or activity, including mooring areas not facilitated by the placement of any structures on

Sovereignty Land.

3. Easement

The following structures and activities may be authorized by an easement;

- a. Utility crossings and rights-of-way which do not qualify for a Use Agreement;
- b. Road and bridge crossings;
- c. Oil, gas and other pipelines or intake/outfall structures;
- d. Groins, breakwaters, and other such shoreline protection structures;
- e. Water management structures such as dams, weirs, levees, and swales;
- f. Spoil disposal sites;
- g. Borrow sites for beach renourishment;
- h. Public navigation project channels;
- i. Navigation, access, flushing and other channels, and;

4. Use Agreement

The following structures and activities may be authorized by a Use Agreement:

Public utility crossings that are located entirely within an existing Florida Department of Transportation or Hillsborough County right-of-way.

5. Management Agreement

The following structures and activities may be authorized by a Management Agreement:

- a. Management, enhancement and protection activities for which the applicant has no title or leasehold interest in. Such activities may include, but are not limited to, protection of endangered species, rookeries, preserves, or sanctuaries, management of educational, recreational, historical, or scientific study areas and habitat

restoration or enhancement activities;

- b. The operation of open water anchorages by a local government;
- c. Delegation of authority from the Authority to any local, state, or federal governmental agency, for the administration and enforcement of the provisions of this rule.

6. Disclaimers to Confirm Title to Formerly Sovereignty Lands Filled Prior to May 29, 1951

- a. It is the policy of the Authority to issue disclaimers for submerged lands filled or permanently improved under Chapter 8537, Acts of 1921 (Butler Act), only upon a clear demonstration by the applicant that all of the conditions of Chapter 8537, Acts of 1921, were met.
- b. To qualify for the issuance of a disclaimer under this section, the applicant must submit an application in the manner prescribed in Section II.B.6. below and shall furnish documentary evidence clearly demonstrating that:
 - (1) The lands for which the disclaimer is sought were bulkheaded, filled, or permanently improved prior to May 29, 1951;
 - (2) The fill was placed or the bulkhead or permanent improvement was constructed by the fee owner of the lands riparian to the lands for which the disclaimer is sought;
 - (3) The applicant is the successor-in-title to the fee ownership of the lands riparian to the lands for which the disclaimer is sought;
 - (4) The fill, bulkhead, or permanent improvement is continuous from the mean high water mark and extends in the direction of a defined channel in existence on the date of the fill or permanent improvement; and
 - (5) The improvements are constructed from materials which are of a permanent composition, are connected to and continuous from the high water mark in the direction of the channel, and were constructed in a manner which precluded public access to and public use of the submerged lands for traditional water dependent activities such as boating,

fishing, and swimming. Wooden docks, pilings, and similar structures and submerged improvements such as dredging or excavation of the bottom are not permanent improvements for purposes of this section.

- c. Notwithstanding the foregoing, no disclaimer shall be issued for the following:
 - (1) Lands waterward of the ordinary high water mark of any lake other than tidally-influenced lake;
 - (2) Lands adjacent to a beach which was customarily used by the public at the time of the fill, bulkhead, or permanent improvement; or
 - (3) Lands which were located immediately adjacent to and waterward of the boundary of any deed or conveyance made by the Authority pursuant to Chapter 6451, Acts of 1913, Chapter 6960, Acts of 1915, or Chapter 7304, Acts of 1917 [Sections 1056 through 1064, Revised General Statutes (1920)].

7. Quitclaim Deeds to Clear Title to Filled Formerly Sovereignty Lands

- a. The Authority shall issue a quitclaim deed for tidally affected, formerly submerged, Sovereignty Lands filled under Chapter 57-362, Laws of Florida (Bulkhead Act), only upon a clear demonstration by the applicant that all of the conditions of Chapter 57-362, Laws of Florida, have been met.
- b. To qualify for the issuance of a quitclaim deed under this section, the applicant shall submit an application in the manner prescribed in Section II.B.7. below and furnish documentary evidence clearly demonstrating that:
 - (1) The lands for which the quitclaim deed is sought were filled or existed landward of the mean high water line prior to June 11, 1957; and
 - (2) The applicant is the riparian owner of the lands extended or added to by the fill.
- c. Notwithstanding the foregoing, no quitclaim deed shall be issued pursuant to this section for any lands located waterward of the

ordinary high water mark of any freshwater lake, river or stream.

- d. The consideration for the parcel sought shall be the current appraised value of the parcel in its filled state, less the current cost to fill the parcel and less the costs of any improvements. The appraisal shall be made within three months after the date of application by an appraiser acceptable to the Authority.

8. Certificate Documenting Waterward Boundary Line as of July 1, 1975, of Filled Tidelands

- a. The Authority hereby adopts the provisions of Section 253.12(9) and (10), Florida Statutes, except to the extent such provisions are modified by these rules. Subject to the terms and conditions set forth in these rules, the Authority hereby grants all of its right, title, and interest to all tidally influenced land or tidally influenced islands bordering or being on Sovereignty Land, which have been permanently extended, filled, added to existing uplands, before July 1, 1975, by fill, and might be owned by the Authority to the landowner having record or other title to all or a portion thereof or to the lands immediately upland thereof and its successors in interest.
- b. The foregoing provisions shall act to transfer title only to so much of such extended or added land as was permanently exposed, extended, or added to existing uplands before July 1, 1975, by fill. A showing of dates by which certain lands were filled or added to may be made by aerial photograph or other reasonable method. Upon request of the landowner and submission of a proposed legal description and aerial photographs or other evidence accompanied by a fee set by the Board reflecting the actual administrative cost of processing, the Authority shall provide an appropriate legal description of the waterward boundary line as of July 1, 1975, in a recordable certificate. The boundary between Sovereignty Lands owned by the Authority and privately owned uplands is ambulatory and will move as a result of nonavulsive changes.
- c. This Section II.A.8 shall not grant or vest title to any filled, formerly submerged lands owned by the Authority in any person who, as of January 1, 1993, is the record titleholder of the filled or adjacent upland property and who filled or caused to be filled Sovereignty Lands.
- d. This Section II.A.8 shall not operate to affect the title to lands which have been judicially adjudicated or which were the subject of

litigation pending on July 1, 1997, involving title to such lands. Further, the provisions of this Section II.A.8 shall not apply or operate to affect the title to the following:

- (1) spoil islands;
 - (2) any lands which are included on an official acquisition list, on July 1, 1997, of the Authority, Hillsborough County, a municipality, a state agency or water management district for conservation, preservation, or recreation;
 - (3) lands maintained as state or local recreation areas or shore protection structures;
 - (4) marine preserves or sanctuaries;
 - (5) Aquatic Resource Protection Areas;
 - (6) lands subject to Management Agreements with the Authority;
 - (7) Sovereignty Lands which were dredged or improved with a Dock or Docking Facility before July 1, 1975;
 - (8) lands waterward of the ordinary high water mark of any lake other than tidally-influenced lake;
 - (9) lands adjacent to a beach which was customarily used by the public at the time of the fill, bulkhead, or permanent improvement; or
 - (10) lands which were located immediately adjacent to and waterward of the boundary of any deed or conveyance made by the Authority pursuant to Chapter 6451, Acts of 1913, Chapter 6960, Acts of 1915, or Chapter 7304, Acts of 1917 [Sections 1056 through 1064, Revised General Statutes (1920)].
- e. To qualify for the issuance of a certificate under this section, the applicant shall submit an application in the manner prescribed in Section II.B.8. below and shall furnish documentary evidence required in the application.
- f. The Authority will issue certificates only upon a clear demonstration by the applicant that all of the conditions set forth in the application

have been met.

9. Sale of Filled Formerly Submerged Lands

- a. The Authority may sell tidally affected, Sovereignty Lands that were filled without authorization after June 11, 1957, or non-tidally affected, Sovereignty Lands filled without authorization to the owner of the adjacent riparian or littoral property if such sale is in the public interest. The Authority reserves the right to deny each such application.
- b. Application to purchase Sovereignty Lands under this section shall be made in the manner prescribed in Section II.B.9. below and filed with the Authority.
- c. The consideration recommended to the Authority shall be:
 - (1) The present appraised value of the lands excluding building improvement if the unauthorized filling was done by the applicant's predecessor in title after June 11, 1957;
 - (2) Two times the present appraised value of the land excluding building improvements if the unauthorized filling was done by the applicant after June 11, 1957.
 - (3) Except where the applicant was responsible for the unauthorized fill, privately owned submerged lands acceptable to the Authority may be substituted for the required consideration.

10. Reclamation of Lands Lost Due to Avulsion

- a. Upon application approval the Authority shall issue a quitclaim deed to the upland riparian or littoral owner of record for privately-owned land not exceeding one acre in size and submerged below navigable waterbodies as a result of an avulsive event which occurred no more than five years prior to the date the application is filed, if such application is supported by documentary evidence demonstrating that the requirements of this rule have been met. In those instances where the avulsive event occurred more than five years prior to the application date or the land for which the quitclaim deed is sought exceeds one acre in size, the applicant must pursue issuance of the quitclaim deed through an action in the Circuit Court for the Thirteenth Judicial District of Florida. Quitclaim deeds issued under this policy will contain a provision that the waterward boundary of

the parcel is an ambulatory line.

- b. To qualify for the issuance of a quitclaim deed under this section, the applicant shall submit an application manner prescribed in Section II.B.9. below and furnish documentary evidence demonstrating:
- (1) The applicant is the owner of the upland adjacent to the lands lost due to avulsion;
 - (2) The land for which the quitclaim deed is sought was located above the line of mean or ordinary high water on a date not more than five years prior to the date the application is filed with the Authority;
 - (3) The land for which a quitclaim deed is sought was lost due to an avulsive event -- that is, that the loss was sudden and perceptible. Such evidence may consist of photographs, aerial photography, newspaper articles and affidavits. Affidavits shall include, at a minimum, the name, address and telephone number of the affiant, the reason the affiant is familiar with the property, the approximate dates and nature of the avulsive event, reference to the former and current shore line, and a statement indicating that the affiant has no financial interest in the quitclaim deed; and
 - (4) The location of the mean or ordinary high water line prior to the avulsive event. Such evidence shall include a survey indicating the pre-event location of the ordinary or mean high water line and other evidence, such as newspaper articles, photography or affidavits supporting such location.

11. Reclamation of Lands Lost Due to Erosion

- a. The Authority may permit Sovereignty Lands that were formerly privately-owned uplands but have been eroded to be reclaimed if such is in the public interest. The Authority will only consider an application to reclaim such eroded lands if the area adjacent to the eroded lands is already substantially bulkheaded or armored; if the toe of the reclaimed land or associated armoring extends no further waterward than adjacent properties; if the reclamation will not on average relocate the line of mean or ordinary high water more than 30 feet waterward of the current line; and if the land to be reclaimed does not exceed one-half acre in size. The Authority reserves the right to modify or deny any such application where the Authority determines such is in the public interest.

- b. Where the Authority decides to permit the upland property owner to reclaim lands lost due to erosion, it shall do so by issuing a deed to the applicant conditioned upon receipt of payment as determined pursuant to subsection (3) below and conditioned further upon the deeded property being reclaimed within one year of the date of issuance of the deed. Failure to reclaim the land within the specified time period shall cause title to the property to revert to the Authority. In appropriate circumstances, the Authority may reserve lateral public access across the land to be deeded. No deed shall be issued until the applicant provides proof that all other required permits have been issued.
- c. The consideration for the sale of such lands shall be derived from the following formula: the number of square feet to be conveyed to the applicant times the current year's average per square foot assessed value of the applicant's adjacent upland property in its unimproved state times a factor of .35. The Authority may, at its discretion, consider equities and particular circumstances on a case-by-case basis to determine whether an adjustment of consideration may be warranted and may reduce or waive consideration upon a demonstration of good cause.
- d. To qualify for the issuance of a deed under this section, the applicant shall submit an application on the form prescribed in Section II.B.10. below and furnish documentary evidence clearly demonstrating that:
- (1) The applicant is the owner of the uplands adjacent to the lands lost due to erosion;
 - (2) The lands for which the deed is sought were previously located above the mean or ordinary high water line. Such evidence shall include a survey, and may also include photographs, aerial photography, newspaper articles and affidavits indicating the previous location of the mean or ordinary high water line.
 - (3) The applicant's property consists of an unbulkheaded or unarmored segment of a shoreline that is otherwise bulkheaded or armored; the total amount of bulkheading or armoring adjacent to the applicant's property equals or exceeds a distance that is six times the length of the unbulkheaded or unarmored shoreline; and that there exist bulkheads or other armoring equal to or exceeding twice the length of the unbulkheaded or unarmored shoreline on each

side of it.

- (4) The distance between the adjacent bulkheads or other armoring does not exceed 500 feet.
- (5) A survey depicting the current mean or ordinary high water line of the parcel, the quantity of land within the applicants' deeded parcel that is above the current mean high water line and the quantity of land the applicant is requesting to purchase;
- (6) A letter from the Property Appraiser indicating the current year's tax assessed value of the parcel with and without improvements; and
- (7) A drawing indicating the proposed location and type of the proposed bulkhead structure.

B. PROCEDURES FOR APPROVAL

1. General

- a. Except as provided in Section II.A.1. (Consent by Rule), written authorization from the Authority is required to conduct activities on Jurisdictional Lands. For Consent by Rule authorization, appropriate information is typically provided in the permit application for marine construction as required by the Enabling Act.
- b. After receipt of an application for authorization to use Jurisdictional Lands, the Authority shall provide notice to any person who has requested it and review and examine the application, notify the applicant of any errors or omissions, and request, in writing, any additional information necessary to review and process the application. After receipt of the additional information, the Authority shall review the information and may request additional information needed for further review and processing of the application.

2. Lease

a. Applications

Application for a land lease must include the following in addition to a complete submittal of the applicable permit application for marine construction required by the Enabling Act.

- (1) A processing fee as established in Section III of these rules payable to the Authority.
- (2) A detailed statement describing the proposed activity.
- (3) A detailed statement describing the upland land use and activities (i.e., commercial marina, restaurant, private single-family, private multi-family (include the number of upland dwelling units), etc.). For projects involving boat ramps provide the number of existing and proposed additional trailer parking spaces. For projects involving dry storage facilities, provide the number of existing and proposed storage spaces. If the uplands are undeveloped, please advise as to when development is anticipated and provide evidence of local approval for the development plans, including the number of approved upland units.
- (4) A recent aerial photograph with the project site clearly marked.
- (5) Evidence of title to or leasehold interest in the riparian upland property.
- (6) A complete copy of any State or Federal permit or exemption for the proposed activity or use.
- (7) Evidence of local approval, which must include a statement that the proposed activity is consistent with the local governments comprehensive plan.
- (8) If a docking facility is proposed, provide the following:
 - (a) number of existing and proposed slips.
 - (b) maximum number of slips (including marginal mooring) and maximum number of vessels (including vessels to be marginally moored) that

would be authorized to moor at a facility at any given time.

- (c) type of vessels expected to use the facility (e.g., sailboats vs. powerboats).
 - (d) length and draft of vessels expected to use the facility.
 - (e) water depths in the area of the facility and out to the primary navigation channel. Depth data should reference mean lower low water for tidal waterbodies and current water levels for non-tidal waterbodies.
 - (f) the location and extent of any submerged vegetation in the area of the facility.
 - (g) the width of the waterbody at the project site.
 - (h) the location of any navigational obstructions (e.g., islands, sandbars or shoals) in the vicinity of the project site.
- (9) If a condominium is involved, provide a copy of the recorded Declaration of Condominium, prospectus, and plot plan which relate to the proposed docking facility, including any special conditions associated with the submerged land lease.
- (10) A list of names and addresses of all riparian property owners within a 500-foot radius of the proposed activity, verified by the County Property Appraisers Office that those names came from the latest tax assessment rolls. The Authority shall notify these property owners of the proposed lease activity prior to the Public Hearing.
- (11) For projects in an Aquatic Resource Protection Area, provide a sealed drawing showing the condition of the shoreline adjacent to the lease area and for 1,000 feet on each side of the lease area.
- (12) Three 8 1/2" X 14" prints of a field survey of the proposed lease area. If the original survey is larger than 8 1/2" X 14" then also submit three copies of the original size drawing for ease of review. All copies must be dated, signed (original

signatures) and sealed by a person licensed by the Florida Board of Professional Surveyors and Mappers and must meet the Minimum Technical Standards as outlined in Chapter 61G17, F.A.C. In addition, the survey must also include the following:

- (a) the boundaries of the leased area must depict the Sovereignty Lands affected by the activity such as docks and other structures, temporary and permanent mooring areas, and turning basins. If the area of activity is required to be moved waterward to avoid dredging or disturbance of nearshore habitat, a reasonable portion of the nearshore area that is not impacted by structures may be deleted from the preempted area. The lease boundaries shall be extended to accommodate the largest vessels to be moored. The landward extent of the proposed lease area must be the mean high water line, ordinary high water line, or safe upland line. If a safe upland line is used the survey must show the apparent shoreline. For non-tidal waterbodies which do not have an established ordinary high water line, the apparent shoreline may be used as the lease boundary line only if use of a safe upland line would result in an unreasonable delineation of the lease area.
- (b) the size and dimensions of all proposed and existing structures, including mooring pilings, located within the parcel sought.
- (c) the applicant's upland property lines and associated riparian boundary lines.
- (d) the distance from proposed structures/activity area to the projected riparian lines.
- (e) the linear footage of the applicant's shoreline which borders Sovereignty Lands.
- (f) structures (docks, piers, pilings, etc.) existing within 100 feet of the applicant's proposed lease area.
- (g) a legal description of the lease area which references the section, township, range, county and name of the affected waterbody and includes the total square

footage of the parcel sought. It is not required that the land lease boundary be monumented. However, the lands lease boundary must be tied to two found or set upland monuments and must be labeled on the survey sketch. The legal description must be provided on a separate sheet if it is not clearly legible when reduced to 8 1/2" X 14" paper.

- (h) if privately-owned lands lie adjacent to the Authority-owned lands parcel sought, the boundary line of the privately-owned parcel must be shown and, if conveyed by Authority Deed or State of Florida Deed, the Deed Number must be included.
- (i) for projects in an Aquatic Resource Protection Area, the survey must indicate water depth within the lease area and out to the navigation channel.

b. Public Hearing

All leases shall require a public hearing conducted pursuant to the requirements of Section 7(a) of the Enabling Act.

c. Approval

All leases must be approved by the Board of the Authority.

3. Easement

a. Applications

Applications for a public easement must include the following in addition to a complete submittal of the permit application for marine construction required by the Enabling Act.

- (1) A processing fee as per Section III of these rules.
- (2) A detailed statement describing the proposed activity.
- (3) Evidence of title to, or sufficient title interest in, the riparian upland property, or consent from affected upland owners.
- (4) A complete copy of any State or Federal permit or exemption for the proposed activity or use.

- (5) Three 8 1/2" X 14" prints of a field survey of the proposed easement area. If the original survey is larger than 8 1/2" X 14" then also submit three copies of the original size drawing for ease of review. All copies must be dated, signed (original signatures) and sealed by a person licensed by the Florida Board of Professional Land Surveyors and must meet the minimum Technical Standards as outlined in Chapter 61G17, F.A.C. Except for aquaculture related facilities as set forth in section 7 below, the following additional information must be included in the survey:
- (a) the boundaries of the parcel sought which must include all the Sovereignty Lands affected by the activity. The landward extent of the proposed easement area must be the mean high water line, ordinary high water line, or safe upland line. If a safe upland line is used the survey must show the apparent shoreline. For non-tidal waterbodies which do not have an established ordinary high water line, the apparent shoreline may be used as the easement boundary line only if use of a safe upland line would result in an unreasonable delineation of the easement area.
 - (b) show all proposed and existing structures, indicating dimensions, within the parcel sought.
 - (c) the applicant's upland property lines and associated riparian rights lines. In non-tidal situations, the riparian lines should be projected from the intersection of the upland property boundaries with the apparent shoreline. In tidal situations, the riparian lines should be projected from the intersection of the upland property boundaries with the approximate mean high water line.
 - (d) the distance from proposed structures/activity area to the projected riparian lines.
 - (e) the linear footage of the applicant's shoreline which borders Sovereignty Lands.
 - (f) structures (docks, piers, pilings, etc.) existing within 100 feet of the proposed easement area.

- (g) a legal description of the easement area which references the section, township, range county and name of the affected waterbody and includes the total square footage of the parcel sought. it is not required that the submerged land easement boundary be monumented. However, the easement boundary must be tied to two found or set upland monuments and must be labeled on the survey sketch. The legal description must be provided on a separate sheet if it is not clearly legible when reduced to 8 1/2" X 14" paper.
 - (h) if privately-owned submerged lands lie adjacent to the Authority-owned submerged lands parcel sought, the boundary line of the privately-owned parcel must be shown and, if conveyed by Authority Deed or State of Florida Deed, the Deed Number must be included.
- (6) If the application is for a private easement, the following items must also be submitted:
- (a) a processing fee as per Section III of these rules.
 - (b) a list of names and addresses of all riparian property owners within a 500-foot radius of the proposed activity, verified by the County Property Appraisers Office that those names came from the latest tax assessment rolls. The Authority shall notify these property owners of the proposed activity prior to the Public Hearing.
 - (c) a complete copy of the Authority, State, and Federal permits.
 - (d) a detailed statement describing the upland land use and activities (i.e., commercial marina, restaurant, private single-family, private multi-family (include the number of upland dwelling units), etc.). For projects involving boat ramps provide the number of existing and proposed additional trailer parking spaces. For projects involving dry storage facilities, provide the number of existing and proposed storage spaces. If the uplands are undeveloped, please advise as to when development is anticipated and

provide evidence of local approval for the development plans, including the number of approved upland units.

- (e) a recent aerial photograph with the project site clearly marked.
 - (f) evidence of local approval, which must include a statement that the proposed activity is consistent with the local governments comprehensive plan.
 - (g) two copies of an appraisal of the easement area prepared by a fee appraiser approved by the Authority. In addition to standard appraisal requirements and procedures, the appraisal must address the extent to which the easement is exclusionary (i.e., the degree to which the proposed easement precludes in whole or in part, traditional or future public uses of the easement area or other submerged lands), the enhanced upland property value should the easement be granted, and the "value in use" obtained by the applicant if the proposed easement is granted, except aquaculture or aquaculture related activities.
- (7) Surveys for aquaculture related facilities can be waived, upon request, until the easement is approved by the Authority, provided that the applicant submits a fully dimensioned site plan on 8 1/2" x 11" or 14" paper, indicating the following:
- (a) the approximate location of the mean high water line.
 - (b) the upland property lines and associated riparian rights line, and the linear footage of shoreline bordering the waterbody.
 - (c) the location of all proposed and existing structures.

b. Public Hearing

All private easements shall require a public hearing as per the Enabling Act.

c. Approval

All easements must be approved by the Board of the Authority.

4. Use Agreement

a. Applications

Applications for a Use Agreement must include the following in addition to a complete submittal of the application permit application for marine construction required by the Enabling Act.

- (1) A processing fee as established in Section III of these rules payable to the Authority.
- (2) A detailed statement describing the proposed activity.
- (3) A detailed description of the habitat characteristics within the proposed use area.
- (4) A complete copy of the Florida Department of Environmental Protection permit or exemption.
- (5) A detailed assessment of the operation's impact on submerged lands resources.
- (6) For utility co-locations, evidence of approval from the record easement holder or from the Department of Transportation if the utility will be located within a D.O.T. right-of-way.

b. Public Hearing

- (1) No public hearing is required for Use Agreements for co-location of utilities.
- (2) For all other Use Agreements, a public hearing must be conducted pursuant to the requirements of the Enabling Act.

c. Approvals

- (1) Use Agreements for utility co-locations may be approved by the Port Director.

- (2) All other Use Agreements must be approved by the Board of the Authority.

5. Management Agreement

a. Applications

Application for a Management Agreement must include the following in addition to the applicable permit application for marine construction required by the Enabling Act:

- (1) A detailed statement describing the proposed activity and its projected impacts on aquatic resources.
- (2) A draft management plan which describes in detail how the applicant will accomplish the desired management goal.
- (3) Evidence of authorization from local, state, or federal governmental entities, that have jurisdiction over the proposed activities.

b. Approvals

Management Agreements may be approved by the Port Director, except for the delegation of the administration of these rules, which must be approved by the Board.

6. Disclaimers to Confirm Title to Filled Formerly Sovereignty Lands

a. Applications

Applications for disclaimers to confirm title of formerly Sovereignty Lands filled prior to May 29, 1951, or subsequent to that date under authority of a U.S. Army Corps of Engineers permit issued prior to that date, must be supported by documentary evidence acceptable to the Authority including, but not limited to, the following:

- (1) Name and Address of the applicant;
- (2) Two prints of a survey prepared, signed, and sealed by an engineer or land surveyor licensed in the State of Florida and an agent of the federal government acceptable to the Authority clearly showing:

- (a) present mean high water line or ordinary high water line, surveyed and approved in accordance with Chapter 177, Part II, Florida Statutes;
 - (b) applicant's or applicant's predecessor in title, ownership to the former mean high water line shown or indicated;
 - (c) U.S. Government Land Office meander line, if any; and
 - (d) traverse of fill, showing the location of the former mean high water line, which is properly riparian to the applicant's uplands, with a land tie to an established accessible section corner, subsection corner, other U.S. Government Land Office Survey corner, or other controlling corner(s);
- (3) Five maps, no larger than 8½" x 14" in size, showing the location of the parcel sought. The maps need not be certified;
 - (4) Legal description and acreage of the filled parcel;
 - (5) Aerial photograph showing the date of flight, if available, evidencing the date of filling;
 - (6) Satisfactory evidence of title in the applicant to the riparian uplands to the mean high water line as it existed prior to filling;
 - (7) Two affidavits executed by disinterested parties evidencing the date, as accurately as possible from personal knowledge, when the filling of the parcel sought was completed;
 - (8) Copy of the U.S. Army Corps of Engineers permit issued prior to May 29, 1951 authorizing the fill, if applicable; and,
 - (9) A non-refundable processing fee as established in Section III of these rules shall accompany each application, except for applications from state agencies.

The Authority may waive any of the above requirements that it deems neither necessary nor reasonable attainable.

b. Public Hearing

All disclaimers to confirm title require a public hearing pursuant to the requirements of the Enabling Act.

c. Approvals

All disclaims to confirm title must be approved by the Board of the Authority.

7. Quitclaim to Clear Title to Filled Formerly Sovereignty Lands

a. Applications

Applications for quitclaim deeds to clear title to Sovereignty Lands filled after May 29, 1951, but prior to June 11, 1957 or subsequent to these dates under authority of a U.S. Army Corps of Engineers permit issued prior to these dates, must be supported by documentary evidence acceptable to the Authority and including the following:

- (1) Name and address of the applicant;
- (2) Two prints of a survey prepared, signed, and sealed by an engineer or land surveyor licensed in the State of Florida or an agent of the federal government acceptable to the Authority clearly showing:
 - (a) present mean high water line surveyed and approved in accordance with Chapter 177, Part II, Florida Statutes;
 - (b) applicant's ownership to the mean high water line prior to filling;
 - (c) U.S. Government Land Office meander line; and,
 - (d) traverse of fill, showing the location of the former mean high water line, which is properly riparian to the applicant's upland ownership, with a tie to an established accessible section corner, subsection corner, other U.S. Government Land Office survey corner, or other controlling corner(s);
- (3) Five maps, no larger than 8½" x 14" in size, showing the

location of the parcel sought. The maps need not be certified;

- (4) Legal description and acreage of the filled parcel;
- (5) Aerial photograph showing the date of flight, if available, and showing the land as it existed prior to and after the filling;
- (6) Satisfactory evidence of title in the applicant to the riparian uplands;
- (7) Two affidavits executed by disinterested parties evidencing the date, as accurately as possible from personal knowledge, of commencement and completion of the fill;
- (8) Copy of a U.S. Army Corps of Engineers permit issued after May 29, 1951, but prior to June 11, 1957, authorizing the fill, if applicable; and,
- (9) A non-refundable processing fee as established in Section III of these rules shall accompany each application, except for applications from state agencies.

The Authority may waive any of the above requirements that it deems neither necessary nor reasonable attainable.

b. Public Hearing

All quitclaim deeds to clear title require a public hearing pursuant to the requirements of the Enabling Act.

c. Approval

All quitclaim deeds must be approved by the Board of the Authority.

8. Certificates Documenting Waterward Boundary Line as of July 1, 1975, of Filled Tidelands

a. Applications

Applications for certificates describing the waterward boundary of such lands as of July 1, 1975 may be requested from the Authority by the owner of a parcel of land that borders on a tidally influenced, natural waterbody. Applications for a certificate must be made on

the TPA Form, titled "Application for Recordable Document for Lands Filled Prior to July 1, 1975" which is hereby incorporated by reference. Applications for certificates must be supported by documentary evidence acceptable to the Authority including, but not limited to, the following:

- (1) Name and Address of the applicant;
- (2) Two prints of a Specific Purpose Survey prepared, signed, and sealed by a Florida Registered Professional Surveyor, certified to the Authority, and clearly showing:
 - (a) the location of the present mean high water line or ordinary high water line, surveyed and approved in accordance with Chapter 177, Part II, Florida Statutes;
 - (b) the location of the mean high water line or ordinary high water line as it existed before July 1, 1975, survey and approved in accordance with Chapter 177, Part II, Florida Statutes;
 - (c) applicant's, or applicant's predecessor in title, ownership to the mean high water line or ordinary high water line shown or indicated as it existed before July 1, 1975;
 - (d) U.S. Government Land Office meander line, if any; and
 - (e) traverse of fill, showing the location of the mean high water line or ordinary high water line as it existed before July 1, 1975, which is properly riparian to the applicant's uplands, with a land tie to an established accessible section corner, subsection corner, other U.S. Government Land Office Survey corner, or other controlling corner(s);
 - (f) if applicable, the limits of submerged land conveyances from the Authority or the Board of Trustees of the Internal Trust Fund of the State of Florida; and,
 - (g) a note stating the methodology used to locate the mean high water line or ordinary high water line as it

existed before July 1, 1975.

- (3) Five maps, no larger than 8½" x 14" in size, showing the location of the parcel sought. The maps need not be certified;
- (4) Legal description and acreage of the filled parcel;
- (5) Aerial photograph showing the date of flight, if available, enlarged to a suitable scale and showing the following:
 - (a) the condition of the site prior to July 1, 1975;
 - (b) the condition of the site after July 1, 1975; and,
 - (c) the current condition of the site.
- (6) Satisfactory evidence of title in the applicant to the riparian uplands to the mean high water line as it existed prior to July 1, 1975;
- (7) Two affidavits executed by disinterested parties evidencing the date, as accurately as possible from personal knowledge, when the filling of the parcel sought was completed, and any other historic materials, such as surveys, permits, etc., evidencing the date and extent of fill; and,
- (8) A non-refundable processing fee as established in Section III of these rules shall accompany each application, except for applications from state agencies.

The Authority may waive any of the above requirements that it deems neither necessary nor reasonable attainable.

b. Public Hearing

All certificates documenting waterward boundary line as of July 1, 1975 of filled tidelands require a public hearing pursuant to the requirements of the Enabling Act.

c. Approvals

All certificates documenting waterward boundary line as of July 1, 1975 of filled tidelands must be approved by the Board of the Authority.

9. Requests for Sale of Formerly Filled Sovereignty Lands

a. Applications

Applications to purchase lands riparian to uplands may be made by the riparian owners only. The Authority reserves the right to reject any and all such applications. The following shall be included in each application:

- (1) Name and address of the applicant;
- (2) Two prints of survey prepared, signed, and sealed by an engineer or land surveyor licensed in the State of Florida or an agent of the federal government approved by the Authority clearly showing:
 - (a) the boundaries of the parcel sought;
 - (b) land tie referenced, by ground survey, to an established assessable section corner, subsection corner, other U.S. Government Land Office survey corner, or other controlling corner(s);
 - (c) Boundary lines of the applicant's adjacent uplands;
 - (d) existing mean high water line, surveyed and approved in accordance with Chapter 177, Part II, Florida Statutes, between the applicant's uplands and the parcel sought extending 1,000 feet from both sides of the parcel;
 - (e) U.S. Government Land Office meander line.
- (3) Five maps, no larger than 8½" x 14" in size, showing the location of the parcel sought for purchase. These maps need not be certified;
- (4) Legal description and acreage of the filled parcel
- (5) Aerial photograph showing the date of flight, if available, with the parcel sought identified thereon;
- (6) One copy of the recorded subdivision plat with any dedication data, if the applicant's uplands are part of the

subdivision;

- (7) Satisfactory evidence of the title in the applicant to the riparian uplands;
- (8) Statement of the applicant's proposed use of the parcel sought;
- (9) Evidence that the sale of the parcel is in the public interest;
- (10) Names and addresses, as shown on the latest county tax assessment roll, of all owners of riparian land lying within 1,000 feet of the parcel sought, certified by the county appraiser; and
- (11) An appraisal of the current market value of the parcel sought and of the adjacent upland property made within 3 months after the date of application by an appraiser approved by the Authority.
- (12) A non-refundable processing fee as established in section III of these rules shall accompany each application, except for applications from state agencies.

b. Public Hearing

All sales of formerly filled Sovereignty Lands shall require a public hearing pursuant to the requirements of the Enabling Act.

c. Approval

All sales of formerly filled Sovereignty Lands must be approved by the Board of the Authority.

10. Reclamation of Lands Lost to Avulsion or Erosion

a. Applications

Applications to reclaim lands lost to avulsion or erosion may be submitted only by the riparian upland owner or the legally authorized agent thereof. Applications to reclaim lands lost due to avulsion or artificial erosion shall include the following:

- (1) Name and address of applicant;

- (2) Satisfactory evidence of title in the applicant to the existing upland, such as;
 - (a) current title insurance policy issued by a title insurance company authorized to do business in Florida; or
 - (b) opinion of title prepared by a member of the Florida Bar.
- (3) A survey prepared, signed, and sealed by a registered engineer or land surveyor showing the applicant's upland, U.S. meander survey line, the approximate original mean high water line and the existing approximate mean high water line, and a traverse showing the location of the former mean high water line which is properly riparian to the applicant's upland with a land tie to an established reference point.
- (4) Legal description as shown by original survey which shall include the area to be reclaimed;
- (5) Copy a recorded subdivision plat showing the original recorded shoreline if the applicant's upland is part of a subdivision, or a copy of a map taken from an R.E.D.I. Real Estate Atlas map showing ownership lines and shorelines;
- (6) Statement of proposed methods of reclaiming the subject lost lands, if not indicated in an attached permit application;
- (7) Two affidavits executed by disinterested parties evidencing the manner, as accurately as possible from personal knowledge, that the loss of land occurred by avulsion (storms, hurricanes), artificial erosion (caused by the emplacement of bulkheads, jetties and other structures), dredging, or artificial land cutting of uplands; and
- (8) Accurate aerial photographs showing the date of flight evidencing the location and configuration of the original shoreline before and after avulsion or artificial erosion. Suggested sources: local tax assessor's office, local offices of the State Departments of Transportation and Agriculture and Consumer Services, and local offices of the U.S. Army Corps of Engineers.

b. Public Hearing

All applications to reclaim lands lost due to avulsion or erosion shall require a public hearing pursuant to the requirements of the Enabling Act.

c. Approval

All applications to reclaim lands lost due to aversion or erosion must be approved by the Board of the Authority.

C. INTERGOVERNMENTAL COORDINATION

1. Review of Applications

a. All applications for use of Jurisdictional Lands filed in association with or as part of an application for a Standard Work Permit Application under the Enabling Act shall be forwarded to the Hillsborough County City-County Planning Commission and the Hillsborough County Environmental Protection Commission, and other appropriate governmental agencies, adjacent property owners, and other interested parties for review and comment concurrent with the review of the corresponding permit application. All comments received as a result of these reviews shall be considered at the public hearing held on the permit application.

b. All applications for use of Jurisdictional Lands filed in association with a Minor Work Permit Application under Section 25(m) of the Enabling Act shall be forwarded for review to the Hillsborough County Environmental Protection Commission and adjacent property owners at least 14 days prior to the granting of authorization. All comments received as a result of these reviews shall be considered prior to any authorization by the Authority.

c. All applications for use of Jurisdictional Lands which are filed independent of an application for a marine construction permit under the Enabling Act will be forwarded to appropriate governmental agencies, adjacent property owners, and interested parties at least 14 days prior to the granting of authorization to use such lands. All comments received as a result of these reviews shall be considered prior to any authorization by the Authority.

2. Coordination with Other Authorities

The Authority staff shall maintain liaison with other governmental agencies, including but not limited to Hillsborough County, the City of Tampa, the City of Temple Terrace, the Florida Department of Environmental Protection, the Southwest Florida Water Management District, and the Environmental Protection Commission of Hillsborough County to insure that the standards for use of Jurisdictional Lands owned or regulated by the Authority are consistent with the applicable adopted regulations, comprehensive plans, and management plans of those agencies.

D. STANDARDS AND CRITERIA FOR EVALUATING, APPROVING OR DENYING REQUESTS TO USE JURISDICTIONAL LANDS

Decisions to approve or deny applications to use Jurisdictional Lands will be based on all of the following:

1. Public Interest Evaluation

- a. The decision to authorize the use of Jurisdictional Lands requires a determination that such use is not contrary to the public interest, except for lands within Aquatic Resource Protection Areas, in which case it must be determined that the use is in the public interest. In all cases it will be in the responsibility of the applicant to provide evidence as to the public interest impact of the proposed activity or use.
- b. The public interest determination requires an evaluation of the probable impacts of the proposed activity on Jurisdictional Lands and the associated waterbody. All direct and indirect impacts related to the proposed activity as well as the cumulative effects of those impacts shall be taken into consideration. Relevant factors to be considered include: conservation, general environmental and natural resource concerns, wetlands values, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, aesthetics, economics, public health and safety, relative extent of the public need for the proposed use or activity, reasonable alternative locations and methods to accomplish the objective of the proposed use or activity, potential detrimental effects on the public uses to which the area is otherwise suited, the effect on cultural, scenic and recreational values, and the needs and welfare of the people.

- c. For projects within an Aquatic Resource Protection Area, a balancing test will be utilized to determine whether the social, economic, or environmental benefits of the project clearly exceed the social, economic, or environmental costs.

(1) General Benefit/Cost Criteria:

- (a) Any benefits or costs that are balanced must be related to the affected ARPA;
- (b) For projects in ARPA's with adopted management plans, consistency with the management plan will be weighed heavily when determining whether the project is in the public interest.

(2) Benefit Categories:

- (a) General public access (public boat ramps, boat slips, etc.);
- (b) Improve and enhance public health, safety, welfare, and law enforcement;
- (c) Improve public land management;
- (d) Improve and enhance public navigation;
- (e) Improve and enhance water quality;
- (f) Enhance or restore natural habitat and functions; and
- (g) Protect endangered/threatened/unique species.

(3) Costs:

- (a) Degraded water quality;
- (b) Degraded natural habitat and function;
- (c) Destruction, harm or harassment of endangered or threatened species and habitat;
- (d) Preemption of public use;

- (e) Increasing navigational hazards and congestion;
 - (f) Degraded aesthetics; and
 - (g) Adverse cumulative impacts.
- (4) Examples of Specific Benefits:
- (a) Donation of land, conveyance of Conservation Easement, beyond that required by rule restrictive covenants or other title interests in or contiguous to the ARPA which will protect or enhance the aquatic preserve;
 - (b) Providing access or facilities for public land management activities;
 - (c) Providing public access easements and/or facilities, such as beach access, boat ramps, etc.
 - (d) Restoration/enhancement of altered habitat or natural functions, such as conversion of vertical bulkheads to riprap and/or vegetation of shoreline stabilization or re-establishment if shoreline or submerged vegetation;
 - (e) Improving fishery habitat through the establishment of artificial reefs or other such projects, where appropriate;
 - (f) Providing sewage pumpout facilities where normally not required, in particular, facilities open to the general public;
 - (g) Improvements to water quality such as removal of toxic sediments, increased flushing and circulation, etc.;
 - (h) Providing upland dry storage as an alternative to wetlands; and
 - (i) Marking navigation channels to avoid disruption of shallow water habitats.

2. Policies

- a. All uses of Jurisdictional Lands shall be consistent with the Standards for Use established in Section V of these rules.
- b. Activities shall be designed to minimize or eliminate the cutting, removal, or destruction of wetland vegetation as listed by the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection and the EPCHC. All such activities and trimming of mangroves shall be done in accordance with the requirements of the Florida Department of Environmental Protection and the Environmental Protection Commission of Hillsborough County.
- c. Activities shall be designed to avoid adverse impacts on fish and wildlife habitat with special attention given to the habit of state or federally listed endangered or threatened species and state listed species of special concern.
- d. Activities shall be designed to avoid adverse impacts to shellfish resources and harvesting area classifications.
- e. Structures and associated activities on Jurisdictional Lands shall be **water dependent** unless the Authority determines that it is in the public interest to grant an exception. In addition to docking facilities, port facilities, boat ramps and fishing piers, the following shall also be considered as water dependent: sundecks in accordance with these rules which are constructed only over and within the height restrictions of a permitted covered slip; benches and fish-cleaning stations within terminal activity areas; lifeguard stations; and public observation platforms or boardwalks which cannot be feasibly located on the uplands and are intended to facilitate viewing of water-oriented habitat and associated wildlife. Projects which are intended to provide access to and use of the waterfront by the general public may be permitted to contain non-water dependent structures, such as fueling or boat rental stations, provided that such facilities cannot be feasibly located on the adjacent upland property and provided that such facilities would not be located within an aquatic preserve.
- f. Artificial reefs shall be constructed in accordance with the requirements of the Environmental Protection Commission of Hillsborough County.
- g. Fences will not be allowed on Jurisdictional Lands waterward of the

mean or ordinary high water line unless shown to be in the public interest.

- h. All docks and piers shall be located and designed to minimize interference with traditional recreational and commercial boating.
- i. The positioning of docking facilities shall be coordinated with local governments to insure consistency with local government comprehensive plans, manatee protection plans and land development regulations.
- j. Activities on Jurisdictional Lands shall be consistent with the applicable adopted comprehensive plans of Hillsborough County, the City of Tampa, and the City of Temple Terrace.
- k. Activities on Sovereignty Lands shall be consistent with applicable Surface Water Improvement and Management Plans approved pursuant to Chapters 373.451 through 373.459, F.S. and with applicable management plans as may be developed as a result of the National Estuary Program Comprehensive Conservation and Management Plan for Tampa Bay.
- l. Access ramps in association with upland dry storage facilities shall be considered as an alternative to wet-slip storage facilities;
- m. Authorizations to use Jurisdictional Lands predicated upon a particular upland use will not be issued until upland development plans have been finalized and approved by local government.
- n. Authorizations to use Jurisdictional Lands may be conditioned so that construction activities do not occur prior to upland development activities.
- o. Excavation or removal of historical resources or artifacts shall not be allowed except as authorized by the Department of State and a Use Agreement pursuant to Section II.B.4. of these rules. Any Use Agreement issued for excavation or removal of historical resources or artifacts shall require adequate protection for surrounding submerged lands resources, and shall include specific mitigation requirements where appropriate to off-set impact to submerged lands resources.
- p. Utility cables, pipes and other such structures shall be constructed and located in a manner that will cause minimal disturbance to Sovereignty Land resources such as oyster bars and submerged grass

beds and shall not interfere with traditional public uses. These structures will only be allowed where no reasonable alternative exists that would provide the necessary utilities.

E. VARIANCES

Requests for variances from the standards and policies set forth in this rule may be considered by the Authority. Favorable recommendations to the Board will be made only if all of the following conditions are satisfied:

1. The variance requested arises from a condition that is unique and peculiar to the riparian upland property and adjacent submerged land;
2. The granting of a variance will not adversely impact the resource quality, aesthetic value, or general quality of public uses within the affected waterbody;
3. The variance requested is the minimum necessary to allow reasonable use of the Jurisdictional Lands;
4. The variance requested is not contrary to the general spirit and intent of this rule.
5. The activity applied for directly relates to the exercise of a right commonly associated with the ownership of riparian property.

F. RENEWAL, MODIFICATION OR ASSIGNMENT OF LAND LEASES

Leases may be renewed, or modified provided the lease is in compliance with the conditions of the lease agreement and fees are current including payment of applicable processing fees as set forth in Section III of these rules.

1. Renewal of Submerged Land Leases
 - a. The Authority shall review each lease authorizing the use of Sovereignty Lands at least once every five (5) years. The Authority's review should be initiated at least sixty (60) days before the expiration date of the lease, or, for long-term leases, at least sixty (60) days before the end of each five-year period.
 - b. The Authority shall provide to the lessee an application/affidavit for the renewal of an existing Sovereignty Land lease.

2. Modification of Submerged Land Leases

- a. Modification of submerged land leases shall only be considered if the lessee is in full compliance with the existing lease
- b. Technical or minor modifications of a lease may be approved administratively in accordance with the delegation of authority by the Board of the Authority. All other modifications must be submitted to the Authority for consideration.
- c. A revised submerged land lease survey, modified Department of Environmental Protection and Corp of Engineers permit and proof of local approval must be provided, where applicable. Engineering drawing may be substituted in lieu of a revised survey for technical or minor modifications.
- d. If a modification is requested within six months of the expiration of the original term of the lease, or six months after the mailing of a notice by the authority, whichever is the latest, the lease may be modified and renewed for a new five year term. This shall not require the mailing of a notice by the Authority prior to a refusal to modify or renew the lease.
- e. The Authority may modify conditions in the lease or impose additional conditions at each five-year review period for, but not limited to, the following reasons:
 - (1) To conform to the adoption or revision of Florida Statutes, State or Authority rules, and Authority Standards;
 - (2) To ensure compliance with the federal Endangered Species Act, 16 USC s. 1531, et seq., and the Florida Endangered Species Act of 1977, Section 372.072, F.S.;
 - (3) To conform to adoption or revision of rules regarding the assessment of lease fees;
 - (4) To conform to any modification to terms or conditions of a permit from the Authority, the Florida Department of Environmental Protection, or the U.S. Corps of Engineers, or any other required form of approval;
 - (5) To remove any structure declared by the Authority to be a

public nuisance.

- (6) To insure compliance with adopted local government comprehensive plans and land development regulations.

- f. Unless the Authority finds that the public interest demands otherwise, periodic review and modification of lease will not result in substantial structural modifications to existing structures that were built in conformance with standards and criteria in effect at the time of construction.

3. Assignment of Submerged Land Lease

Leases shall not be assigned or otherwise transferred without prior approval by the Board of Authority and determination of compliance with the existing lease.

G. DURATION OF AUTHORIZATION

1. The Authority will not grant any form of authorization for a period greater than is necessary to provide for reasonable use of the land for the existing or planned life cycle or amortization of the improvements. In no event, however, shall a submerged land lease be granted for more than twenty-five years nor shall an existing lease be extended for more than twenty-five years.
2. The construction of any structure or improvement that is authorized pursuant to a lease, easement, Use Agreement or Management Agreement must be completed within the original term of the authorization or within the first five years of such term if such term is greater than five years. If such construction is not completed within the foregoing time period, the authorization shall immediately terminate and a new application shall be required.

H. TRANSFER OR ASSIGNMENT OF AUTHORIZATION

No authorization granted under this rule may be assigned or otherwise transferred without approval of the Authority and payment of applicable transfer fees as set forth in Section III of these rules.

I. GRANDFATHERED STRUCTURES

1. Revenue-generating structures on Sovereignty Lands shall be subject to the provisions of these Rules effective January 1, 1998.

2. Non-Water dependent structures which are non-revenue generating structures shall require a lease from the Authority pursuant to the terms and conditions of these Rules effective January 1, 1998.
3. Water dependent structures which are non-revenue generating structures constructed pursuant to valid permits from the Authority or in existence prior to July 1, 1983 shall be considered exempt from the provisions of these Rules. Such structures will be subject to the provisions of these Rules if the structure is expanded so as to require use or encumbrance of any additional Sovereignty Lands.

J. CONDITIONING OF AUTHORIZATIONS

1. The Authority or delegated staff will add terms, conditions, and restrictions to its authorizations when necessary to protect the public interest, to fulfill the Authority's duty to protect, conserve and manage Sovereignty Lands, and to mitigate or minimize the adverse impacts of the proposed use or facility on such lands. Adverse impacts may be minimized through terms, conditions, and restrictions, including but not limited to the following:
 - a. By properly locating the use, and by limiting the size of the areas authorized for such use;
 - b. By selecting a site that has already been impacted or is less sensitive than other sites;
 - c. By placing restrictions on construction methods and operation activities;
 - d. By avoiding approved shellfish harvesting areas;
 - e. By avoiding natural aquatic areas, wetlands, and sites the use of which may threaten endangered species, other unique wildlife habitat, or other valuable natural resources;
 - f. By selecting sites that will not increase incompatible human activity;
 - g. By imposing best management practices;
 - h. By implementing manatee awareness by requiring installation of caution signs and information displays;
 - i. By requiring mangrove or other vegetation planting programs;

- j. By requiring sewage pump-out facilities;
 - k. By requiring habitat restoration or enhancement; and
 - l. By disallowing or restricting liveaboards within lease areas.
2. Conveyance of a Conservation Easement may be required by the Authority or delegated staff to protect shoreline resources and prevent the construction of additional access facilities on Sovereignty Lands. Unless specifically indicated in this rule, the linear footage of shoreline required to come under easement shall be determined on a case-by-case basis.

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III. APPLICATION AND LAND USE FEES

A. APPLICATION PROCESSING FEES

All applications must be submitted to the Authority as set forth in Section II of these rules. The applicable processing fee must be included with the application when submitted to the Authority.

APPLICATION TYPES	PROCESSING FEE
Minor Work Permit	\$100.00
Revision to a Valid/Active Minor Work Permit	\$75.00
Standard Work Permit (base fee plus invoice for certified mailing costs)	\$1,000.00
Revision to a Valid/Active Standard Work Permit	\$500.00
Lease	\$500.00
Public Easements	\$400.00
Private Easements	\$500.00
Use Agreement	\$150.00
Management Agreement	\$300.00
Disclaimers to Confirm Title to Filled Formerly Sovereignty Lands	\$400.00
Quitclaim Deeds to Clear Title to Filled Formerly Sovereignty Lands	\$400.00
Sale of Filled Formerly Submerged Lands	\$500.00
Certificate Documenting Waterward Boundary Line as of July 1, 1975 of Filled Tidelands	\$550.00

B. LAND USE FEES

1. Lease Fees

a. Standard Fee Formula

- (1) The standard annual lease fee shall be seven percent of the rental value from the wet slip rental area or the base fee, whichever is greater. Rental value will be calculated by multiplying the total number of linear feet for rent in the wet

slip rental area times the weighted, average, monthly per linear foot rental rate times twelve. Rental rate will be derived from the monthly rates (adjusted for seasonal rate changes). The base rate will be calculated according to paragraph b, of this subsection.

- (2) When any ancillary charges, such as membership fees or dues, or other miscellaneous fees are required to rent a wet slip, the lease fee will be based on the standard formula under subparagraph a(1) or the regional average under subparagraph a(7), whichever is greater.
- (3) The monthly rental rates used to determine the annual lease fee and any other information required from the previous year will be certified true and correct by the lessee. The calculated rate shall be reviewed and adjusted annually on the anniversary date of the lease.
- (4) For new facilities, the base rate shall be charged upon approval of the lease. The percent of rental value will be applied when the facility is certified complete by the lessee or when any rentals occur, whichever comes first.
- (5) Docking facilities which are open to the public on a first come, first served basis shall be allowed a discount as outlined in subparagraph b(2) of this subsection.
- (6) Docking facilities in aquatic preserves shall be subject to surcharges as outlined in subparagraph b(8) of this subsection where applicable.
- (7) For docking facilities which are not commercial wet slip rental operations such as private clubs, condominiums, motel and restaurant docks, the Authority shall apply the weighted, average per linear foot rental rate derived from commercial marinas in the same county or other comparable geographic areas to establish the rental rate for the lease fee. The Authority shall compile rental data from existing leases and select the appropriate comparable rental rate.
- (8) For recreational piers, and other such facilities which are not designed for recreational, wet slip purposes, the annual lease fee will be the greater of: (a) the total square footage of the lease area, divided by 40 square feet, multiplied by the average monthly per foot rental rate for the geographical

area multiplied by twelve multiplied by the appropriate percent; or, (b) the total square footage of the lease area multiplied by the appropriate per square foot base rate.

b. Base Fees, Discounts, Surcharges and Other Payments

- (1) The annual base fee shall be the current base fee in effect as established by Chapter 18-21.011, Florida Administrative Code (\$0.113 per square foot as of March 1, 1998) and shall be adjusted per subparagraph (4) below. It is the Authority's intention to coincide with the State of Florida's rate for the annual base fee.
- (2) A discount of 30 percent shall be applied to the standard annual lease fee for all leases that are open to the public on a first come, first served basis. To be eligible for this discount, the lessee shall notify the Authority of all changes in wet slip rental rates within 30 days and shall display its fee schedule in a location clearly visible and accessible to the public.
- (3) An additional 25 percent of the base fee shall be charged for the first annual fee on all leases. This additional fee is a one-time payment which is not credited toward any of the rental value payment.
- (4) The per square foot base rate shall be revised March 1 of each year and increased or decreased based on the Consumer Price Indexes -- All Items pursuant to subparagraph (6) below.
- (5) The base rate for all new leases shall be determined according to the appropriate base rate schedule for the year in which the lease is granted.
- (6) The base rate charged for individual leases shall be adjusted annually based upon the average increase in the Consumer Price Index -- All Items for the previous five years with a 10 percent cap.
- (7) There shall be a minimum annual fee of \$225.00.
- (8) A rate of two times the existing base rate shall be applied to aquatic preserve leases where 75 percent or more of the subject lease shoreline and the adjacent 1,000 feet on both

sides of the lease area is in a natural, unbulkheaded, nonseawalled or nonriprapped condition.

- (9) The lease fees for restaurants and other nonwater dependent uses shall be negotiated on a case by case basis by the Authority. In negotiating the lease fee, the Authority may consider the appraised market rental value of the riparian upland property and enhanced property value, benefits or profit gained by the applicant if the proposed lease is approved. Grandfathered nonwater dependent uses shall be treated as water dependent uses when grandfathered status is lost for any reason.
- (10) Waivers, partial waivers or exclusions from payment of lease fees for government, research, educational or charitable organizations may be granted by the Board of the Authority in the event that the proposed uses are in the public interest.
- (11) If a facility occupies Sovereignty Lands, portions of which are exempted from payment by virtue of grandfathered status and portions of which are leased, and grandfathered status is lost, the lease fee and rate schedule for the entire preempted area shall be the appropriate lease fee or base rate at the time the renegotiated lease is approved.
- (12) There shall be an assessment for the prior unauthorized use of Sovereignty Lands for after-the-fact lease applications. The minimum assessment for such applications shall include:
 - (a) Payment of retroactive lease fees; and
 - (b) Payment of an additional annual percentage on retroactive lease fees computed at a rate of 12%. Such rate shall be adjusted annually to a rate equal to the two percentage points above the Federal Reserve Bank discount rate to member banks.
- (13) The Board of the Authority may, at its discretion, consider equities and particular circumstances on a case by case basis to determine whether an adjustment of the assessment provisions set forth in subparagraph (12) above would be warranted and may lower the assessment based on a showing of good cause.

c. One-time Premium

- (1) Ownership oriented facilities that include ten or more wet slips shall be assessed a one-time premium surcharge payment. The one-time premium surcharge payment shall be computed by multiplying the standard annual lease fee or base fee required in Section III.B.1., Lease Fees, above, by a value of three.
- (2) Subparagraph c(1) above shall apply to all existing leases with the one-time premium lease condition and to all new leases approved by the Board after the effective date of this subsection unless one or more of the conditions of subparagraph (3) below are complied with.
- (3) Subparagraph c(1) above shall not apply to:
 - (a) grandfathered structures;
 - (b) previously licensed facilities required to come under lease;
 - (c) the renewal of leases;
 - (d) previously leased facilities without a one-time premium lease condition;
 - (e) those portions of structures that are grandfathered;
 - (f) facilities that are at least fifty percent open to the public on a first come, first served basis;
 - (g) docking facilities built prior to the effective date of this subsection in which the developers of the facility no longer have any interest in the facility and where the facility has been assigned to a homeowners association or other association made up exclusively of the residents of the upland development; or
 - (h) to new lease applicants that are homeowners associations or other associations, made up exclusively of the residents of the upland development.

2. Private Easements

- a. A fee for private easements shall be determined by an appraisal obtained by the applicant. The appraiser must be selected from the Authority's approved list of appraisers and the appraisal must be reviewed and approved by the Authority.
- b. In addition to the standard appraisal requirements and procedures, the following factors shall be considered in determining the easement fee:
 - (1) the extent to which the easement is exclusionary; i.e., the degree to which the proposed easement precludes, in whole or part, traditional or future public uses of the easement area or other submerged land; and
 - (2) the enhanced property value or profit gained by the applicant if the proposed easement is approved.

3. Severed Dredge Materials

- a. When an activity involves the removal of materials from Sovereignty Lands (excluding maintenance dredging materials) to upland property by dredging or any other means, payment per cubic yard of material shall be \$2.25. The minimum payment shall be \$50.00.
- b. These payments shall not be used for dead shell and mining leases which will be subject to individual royalty or other compensation payments.
- c. A waiver of the severed dredge material payment may be requested and approved when:
 - (1) the materials are being placed on public property and used for public purposes; or
 - (2) it is affirmatively demonstrated that the severed dredge material has no economic value.

IV. CLASSIFICATION OF LANDS

A. TIDAL

1. Commercial

Jurisdictional Lands underlying the following water bodies shall be designated as Commercial Tidal lands:

- a. All federally authorized navigation channels and turning basins;
- b. Ybor, Sparkman, Garrison, Seddon, Cut D, and Port Sutton Channels;
- c. East Bay;
- d. Alafia River Channel and terminal berths;
- e. Big Bend Channel, Turning Basin, and terminal berthing areas;
- f. the cooling channel of the Big Bend electrical generating station;
- g. Port Tampa Channel and the dredged channel adjacent to the north side of the Port Tampa terminal complex;
- h. Rattlesnake terminal channel and berthing areas.

2. Urban

The following Jurisdictional Lands shall be classified as Urban Tidal lands:

- a. All Jurisdictional Lands underlying the waters of Dick Creek and adjacent connected canals;
- b. All Jurisdictional Lands underlying the tidal waters of Rocky Creek North of Section 3, Township 29 South, Range 17 East, Hillsborough County;
- c. All Jurisdictional Lands underlying the waters of Woods Creek and the water of excavated canals and channels within and surrounding Baycrest Park, the Baypoint Condominium development, and the Spinnaker Cove development.
- d. All Jurisdictional Lands underlying the following waters: Sweetwater Creek; dredged canals adjacent to the Sweetwater and

Pelican Island developments; canals within and adjacent to the Dana Shores development; waters lying north of State Road 60 between the Dana Shores development and Rocky Point Island; and dredged channels adjacent to the Northern and Western shores of that portion of Rocky Point Island North of State Road 60.

- e. Jurisdictional Lands lying eastward of the one-fathom contour of Old Tampa Bay between the Howard Franklin Bridge and the westward extension of the alignment of Wallcraft Avenue.
- f. Those Jurisdictional Lands westward of the one-fathom contour line of Hillsborough Bay between a line extending due east from Catfish Point and the bridges connecting Bayshore Boulevard and Davis Islands;
- g. Those Jurisdictional Lands lying less than 500 feet west or south of the western and southern shoreline of the Davis Islands extending from the bridges connecting Davis Islands with Bayshore Boulevard to the boat ramp at the southeast corner of the Davis Islands;
- h. Those Jurisdictional Lands lying within 500 feet of the westerly and northern shorelines of McKay Bay extending from the Causeway Boulevard bridge to the southeast corner of the City of Tampa incinerator fill site;
- i. Those Jurisdictional Lands lying within the tidal portion of the Alafia River between the U.S. 41 bridge and the U.S. 301 bridge;
- j. Those Jurisdictional Lands underlying the waters of dredged canals, basins, and channels within and adjacent to the Apollo Beach subdivision;
- k. Those Jurisdictional Lands underlying the dredged canals and channels within and adjacent to the Bahia Beach development;
- l. Those Jurisdictional Lands of Tampa Bay and the Little Manatee River lying adjacent to and within 200 feet of developed properties in the Shell Point and Collura Subdivisions;
- m. Those Jurisdictional Lands underlying the waters of the Ruskin Inlet.

3. Rural

All Jurisdictional Lands lying under tidally-influenced waters not otherwise designated shall be designated as Rural Tidal lands.

B. RIVERS

1. Downtown

All Sovereignty Lands underlying the Hillsborough River and its tributaries between the Platt Street bridge and the Columbus Avenue bridge shall be classified as Commercial River lands.

2. Urban

- a. All Sovereignty Lands underlying the Hillsborough River between the Columbus Avenue bridge and the Fletcher Avenue Bridge shall be classified as Urban River lands.
- b. The Alafia River and sovereign tributaries upstream of U.S. 301 bridge to the Bell Shoals bridge.

3. Rural

All Sovereignty Lands underlying the following water bodies shall be classified as Rural River lands:

- a. The Hillsborough River and its tributaries upstream from Hillsborough River State Park to the limits of sovereign ownership of river bottoms;
- b. The Alafia River and its tributaries upstream from the Bell Shoals bridge, including the South Prong and the North Prong, to the limits of sovereign ownership of the river bottoms, excepting that portion of the river within and adjacent to the Aldermans Ford Park;
- c. The Little Manatee River and its tributaries upstream from the U.S. 301 bridge to the limits of sovereign ownership of river bottoms.

C. LAKES

1. Lake Keystone and Lake Thonotosassa

All Sovereignty Lands underlying the waters of Lake Keystone and Lake Thonotosassa shall be classified as Lake lands.

D. AQUATIC RESOURCE PROTECTION AREAS

1. Cockroach Bay Aquatic Preserve

All Sovereignty Lands lying within the boundaries of the Cockroach Bay Aquatic Preserve as described in Chapter 258.391, Florida Statutes.

2. Bullfrog Creek Marine Preserve

Those Sovereignty Lands lying within the following boundaries:

Beginning at the center of Bullfrog Creek at the west side of the U.S. 41 bridge in Section 23, Township 30 south, Range 19 east, Hillsborough County, thence generally west and north along the line of mean high water of Bullfrog Creek and Hillsborough Bay to its intersection with the Alafia River; thence westerly along the south side of the Alafia River Channel a distance of approximately 5000 feet to its intersection with the 1-fathom contour of Hillsborough Bay; thence southerly around the western end of Sunken Island and along the 1-fathom contour of Hillsborough Bay to its intersection with the north boundary of the Big Bend Channel; thence easterly along the northern boundary of the Big Bend Channel and the channel bordering the north side of Port Redwing to its intersection with the mean high water line of Hillsborough Bay; thence northerly and easterly along the mean high water line of Hillsborough Bay to the point of beginning.

3. Upper Old Tampa Bay

All Sovereignty Lands lying within the following boundaries:

Beginning at the intersection of the westerly boundary of Section 30, Township 28 South, Range 17 East, and the mean high water line of Old Tampa Bay, thence south to the one-fathom contour line of old Tampa Bay, thence southeasterly along the one-fathom contour line of Old Tampa Bay to a point due south of the westerly edge of the mouth of Woods Creek, thence north to the mean high water line at the western bank of the mouth of Woods Creek, thence northwesterly along the mean high water line of Old Tampa Bay to the Point of Beginning, including all Sovereignty Lands underlying Rocky Creek in Section 3, Township 29 South, Range 17 East, excluding all Sovereignty Lands underlying Dicks Creek and adjacent canals, and including all Sovereignty Lands underlying the waters of Soluble Branch Bay and the Double Branch Creek and their tributaries.

4. McKay Bay

All Sovereignty Lands lying within the following two boundaries:

Beginning at the intersection of the western boundary of Section 16, Township 29

South, Range 19 East, and the mean high water line of Mckay Bay, thence easterly and southerly along the mean high water line of McKay Bay to the northern shore of the mouth of the Tampa Bypass Canal into McKay Bay, thence southwesterly along a direct line to the southeast corner of the Tampa Incinerator fill, thence generally northerly and easterly along the mean high water line of McKay Bay to the Point of Beginning; and

Beginning at the intersection of the south boundary of the existing Tampa Electric Company easement across McKay Bay and the mean high water line at the eastern shoreline of McKay Bay, thence westerly along the southern boundary of the Tampa Electric Company easement for a distance of 2700 feet, thence southerly to the mean high water line at the shoreline of McKay Bay adjacent to the Causeway Boulevard right-of-way, thence easterly and northerly along the mean high water line of McKay Bay to the Point of Beginning.

5. Upper Hillsborough River

All Sovereignty Lands underlying the Hillsborough River and its tributaries between the Fletcher Avenue bridge and the U.S. 301 bridge.

6. Aldermans Ford Park

All Sovereignty Lands lying within or directly adjacent to the Aldermans Ford County Park;

7. Gadsden Point

Those Sovereignty Lands lying within the following boundaries:

Beginning at the intersection of the north boundary of Picnic Island Park and the mean high water line of Old Tampa Bay; thence westerly to the one-fathom contour line of Old Tampa Bay; thence southerly and southeasterly along the one-fathom contour line of Old Tampa Bay, Tampa Bay, and Hillsborough Bay to a point due east of Catfish Point; thence westerly to the mean high water line of Hillsborough Bay; thence southerly, westerly, northwesterly and northerly along the mean high water line of Tampa Bay and Old Tampa Bay to the Point of Beginning.

8. Pendola Point

Those Sovereignty Lands south of Pendola Point in Hillsborough Bay within the boundaries of the Conservation Easement filed with Hillsborough County in association with the construction permits for the Pendola Point Marsh Development project.

9. Egmont Key

Those Sovereignty Lands within the one-fathom contour surrounding Egmont Key.

10. Wolf Branch

Those Sovereignty Lands lying within the following boundaries:

Beginning at the mean high water line of Tampa Bay at Mangrove Point; thence westerly to the one-fathom contour line of Tampa Bay, thence northerly and northeasterly along the one-fathom contour of Tampa Bay to a point where said contour intersects a westerly projection of the centerline of Symphony Isles Boulevard; thence easterly along the projection of Symphony Isles Boulevard to the west edge of the dredged channel adjacent to Symphony Isles; thence southwesterly and southeasterly along the west edge of said dredged channel to its intersection with the mean high water line of Tampa Bay; thence southwesterly along the mean high water line of Tampa Bay to the Point of Beginning.

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V. STANDARDS FOR USE OF JURISDICTIONAL LANDS

A. GENERAL

1. Management Goals

- a. To ensure the protection of public safety to the maximum extent practicable;
- b. To manage, protect, and enhance Jurisdictional Lands and their natural resources so that the public may continue to enjoy traditional uses including, but not limited to navigation, fishing, and swimming;
- c. To manage and provide maximum protection for all Jurisdictional Lands, especially those important to public drinking water supply, shellfish harvesting, public recreation, and fish and wildlife propagation;
- d. To ensure that all public and private activities on Sovereignty Lands which generate revenues or exclude traditional public uses provide just compensation for such privileges;
- e. To ensure compliance of all uses of Jurisdictional Lands with applicable comprehensive plans of Hillsborough County, the City of Tampa, and the City of Temple Terrace;
- f. To minimize of the impacts of human activities on existing natural resource values;
- g. To discourage the use of Jurisdictional Lands for non-water-dependent purposes;
- h. To ensure coordination of this submerged lands management program with the needs of other public transportation and utility requirements for the use of submerged lands;
- i. To ensure the coordination of this submerged lands management program with the natural Resource Management Standards programs of other governmental units.

2. Prohibited Activities

The following structures and activities are prohibited on Jurisdictional Lands except as may be specifically authorized by the Authority based on an affirmative finding that such structures and activities are in the public interest:

- a. Stilt houses, structures with living quarters, floating residential structures, advertising structures, restaurants and concessions, bars, rest rooms, enclosed structures, covered docks, and any other non-water dependent structures;
- b. Any structure designed to provide road or bridge access to islands, where such access does not already exist. The Authority may grant a variance to this prohibition if it determines that:
 - (1) Construction and use of road access is the least damaging alternative and more protective of natural resources and Sovereignty Lands than alternative forms of access; and
 - (2) The activity is in the public interest;
- c. The removal of flora, including sea grasses, mangroves, cypress trees, and other shoreline or submerged vegetation. Exceptions may be allowed for public projects, maintenance dredging activities, the removal of exotics, gaining access to a dock or other facility from the upland property, and harvesting certain native plants for research purposes or for colonizing new areas. Exceptions may also be allowed if the Authority determines that the removal would have an insignificant impact on the Sovereignty Lands;
- d. Any activity that would result in significant unmitigated adverse impacts to submerged lands and associated natural resources;
- e. Any activity that would require the closing of an area approved for shellfish harvesting;
- f. Severance of materials for the primary purpose of providing fill, unless such fill is to be used to renourish a public beach;
- g. New dredging associated with construction or maintenance of a pier unless found to be in the public interest;
- h. The placement of fill for the purpose of creating additional upland property. Exceptions may be granted for public projects such as bridge construction, beach nourishment, public deep water port

facilities, or development of wildlife habitat;

- i. The navigable connection of man-made water bodies to Sovereignty Lands;
- j. Any activity that would result in the taking of, or significant harm to, any threatened or endangered species or species of special concern or its habitats;
- k. Docking or other access facilities where construction or use of the facility or vessel traffic associated with the facility would have a significant adverse impact on manatees or their habitat as determined by the Department of Environmental Protection;
- l. Boat docking facilities within state designated no-entry zones, motorboat prohibited zones, and safe havens for manatees;
- m. Excavation of minerals;
- n. Geophysical testing which involves the use of explosives;
- o. The storage, disposal or use of toxic, radioactive or other such environmentally hazardous materials, unless being stored or handled in accordance with all applicable federal and state laws in the stream of commerce;
- p. Any activity or use which is not in compliance with the adopted and applicable comprehensive plans of Hillsborough County, the City of Tampa, and the City of Temple Terrace.

3. Resource Management Standards

a. General

- (1) Applications to use Jurisdictional Lands riparian to upland property can be made by and approved only for the upland riparian owner, his legally authorized agent, or persons with title or other sufficient legal interest in the upland riparian property for the intended purpose. Exceptions to this requirement may be granted for specific activities such as aquaculture leases, maintenance dredging of existing channels, nearshore commercial activities, and installation of utilities.
- (2) All structure(s) must be set back from riparian lines as

follows:

- (a) Structures located on properties with a shoreline frontage of less than 65 feet must maintain a minimum structural setback distance of 10 feet from the riparian lines.
- (b) Structures located on properties with 65 feet to 80 feet of shoreline frontage must maintain a minimum structural setback distance of 15 feet from the riparian lines.
- (c) Properties with shoreline frontage greater than 80 feet must maintain a minimum structural setback distance of 25 feet from the riparian lines.

Exceptions to the setback requirements set forth above may be granted by the Authority if (i) the affected adjacent property owner provides an affidavit of no objection, or (ii) the proposed structure is a subaqueous utility line.

- (3) Docks or other structures must not extend more than twenty-five percent of the navigable width of the affected waterbody. Maximum structure extensions can be further restricted based upon site specific circumstances regarding navigational safety and existing structures.
- (4) No dock, mooring piling or similar structure shall be constructed to extend to within 100 feet of a federal navigation project channel as defined in Section 253.02(10), F.S.
- (5) All fueling facilities must be designed in accordance with Section 4A-3.012, F.A.C.
- (6) The siting of multi-slip docking facilities must consider the impacts of boat traffic on marine grassbeds or other aquatic resources in the surrounding areas.
- (7) A dock or pier must be located at the point along the riparian shoreline where the least destruction will occur to the shoreline vegetation and benthic resources and which does not interfere with navigational safety or the riparian rights of adjacent property owners.

- (8) The cumulative impact of future proposed activities must be considered in regards to potential impact of the resource quality or use of that resource.
- b. Private single-family docking facilities
 - (1) The preempted area must not exceed ten square feet of Jurisdictional Lands for each linear foot of shoreline owned by the applicant along the affected waterbody;
 - (2) Sundecks shall be allowed only over permitted covered slips, provided that no objections are received from the EPCHC and both adjacent property owners.
 - c. Private multi-family docking facilities (non revenue generating)
 - (1) The preempted area leased must not exceed forty square feet of Sovereignty Lands for each linear foot of shoreline owned by the applicant along the affected waterbody.
 - (2) No lease shall be required nor shall any wetslip restrictions apply if the preempted area is less than or equal to ten square feet of Sovereignty Land for each linear foot of shoreline owned by the applicant along the affected waterbody.
 - (3) Any approvals must be in accordance with applicable elements and policies of local Comprehensive Plans.
 - d. Multi-slip Docking Facilities (3 or more slips)
 - (1) Shall be located in areas having sufficient existing water depths to accommodate the vessels; anticipated to use the facility so as to avoid impacts to submerged vegetation;
 - (2) Shall be located in areas where alterations to natural conditions are minimal, or if alterations are significant, such alterations must result in an environmental benefit at the site;
 - (3) Shall be located in areas where an increase in boating activity would not contribute to hazardous levels of congestion or otherwise degrade the quality of boating within the affected waterbody;
 - (4) Shall be designed and located so that significant adverse impacts to endangered or threatened species or species of

special concern and their habitats are avoided; and

- (5) In the case of port facilities, socio-economic factors will be considered when evaluating environmental costs.

e. Boat Ramps

- (1) Shall be located only in areas where installation will not adversely impact native shoreline vegetation such as marsh grass, mangroves, or cypress trees; and
- (2) Shall be located only in areas where adequate water depths exist at the waterward end of the ramp, unless the applicant can clearly demonstrate that any dredging required to provide adequate water depths will not result in significant environmental impact.

f. Limited Shoreline Projects

Requests to construct a dock, pier, ramp or other access facility where the upland riparian parcel has less than 40 feet of shoreline shall not be approved unless all of the following are satisfied:

- (1) Each adjacent property owner provides a sworn affidavit of no objection if the proposed construction is within ten (10) feet of a riparian line or, in the absence of such, only a single access pier of four-foot width is allowed;
- (2) Combining individual facilities into a single multi-slip dock or other access facility is not a practicable alternative;
- (3) The proposal is consistent with all other standards and criteria found in this rule.

g. Dredging

- (1) Maintenance dredging of existing channels, mooring basins, or turning areas that were either previously permitted by the Authority, Federal Government or State Government, or constructed prior to July 1, 1967, provided that the dredging does not exceed original depths and widths.
- (2) New dredging to achieve navigable water depths or provide access to or flushing of waterbodies dredged from private uplands shall not be approved unless:

- (a) There will be no significant and unmitigated adverse impact to submerged or shoreline resources as a direct or indirect result of the dredging; and
- (b) The overall project would result in less impact to Sovereignty Lands than would be caused by other allowable uses of the submerged lands within the applicant's riparian area.

h. Shoreline Protection Structures

- (1) To the maximum extent practicable, shoreline stabilization shall be accomplished by the planting of appropriate native wetland vegetation. Where native vegetation is not capable of preventing shoreline erosion, riprap materials, porous interlocking brick systems, filter mats, and other similar stabilization methods may be used.
- (2) All jurisdictional seawall drawings/plans must be signed-sealed by a Florida Registered Professional Engineer. New seawalls shall be located landward of the mean or ordinary high water line, and shall be constructed in a manner that will not adversely impact Jurisdictional Lands. Exceptions to this requirement may be allowed if:
 - (a) Adjacent properties have existing seawalls which extend waterward of the mean or ordinary high water line. In such cases, a minimal portion of the new seawall may be located waterward of the mean or ordinary high water line in order to allow for a structurally sound connection to the adjacent seawall(s);
 - (b) Placement of the new seawall waterward of the mean or ordinary high water line is necessary to prevent damage to particularly valuable natural resources, such as large trees, or to upland property improvements which at the time of construction were in full compliance with all applicable local ordinances and state or federal regulations; or
 - (c) The new seawall will replace, and be located no more than eighteen inches waterward of, an existing seawall that is in need of replacement. In such cases,

it shall be the responsibility of the applicant to demonstrate that replacement of the seawall with native vegetation or riprap is not a feasible alternative.

i. Liveaboard Vessels - Sovereignty Lands

- (1) Structures designed or intended to accommodate long-term habitation of liveaboard vessels shall not be approved.
- (2) Structures designed or intended to accommodate habitation of liveaboard vessels on a short-term basis (less than ten days) shall provide U.S. Coast Guard approved sewerage pump-out facilities.

j. Aquaculture Leases - Sovereignty Lands

- (1) Aquaculture leases shall not displace existing leases.
- (2) Aquaculture leases shall require a field survey of the leased area and assurances that the leased area is properly posted pursuant to the federal system of uniform waterway markers approved by the Advisory Panel of State Officials to the Merchant Marine Council, United States Coast Guard.
- (3) The leased area shall:
 - (a) Be located so that it does not unreasonably infringe on any person's riparian rights. For a non-riparian applicant, the lease area shall be located a sufficient distance waterward of the mean or ordinary high water line to allow construction and reasonable use of a dock or other access facility, or, if such structures already exist along the subject shoreline, be located a minimum of 100 feet waterward of such structures. Exceptions may be granted only if the applicant obtains a letter of consent from the owners of the riparian upland property adjacent to the proposed lease area.
 - (b) Be set back at least twenty-five feet from the riparian lines of adjacent property owners. Greater setbacks may be required if necessary to protect the riparian rights of any person.

- (c) Be located a sufficient distance from other activities, channels or structures in order to ensure safety, facilitate enforcement, and allow proper resource management.
 - (d) Be no closer than 100 feet from marked public navigation channels.
 - (e) Be granted for an area of submerged land no larger than that which has been demonstrated to be within the applicant's capacity to utilize efficiently and consistent with the public interest.
- (4) Positive recommendations to the Authority for new aquaculture leases shall be contingent on a favorable review by the Authority with respect to:
- (a) The desirability of the activity from a resource management perspective;
 - (b) The size of area requested being appropriate for the proposed use;
 - (c) The suitability of the site for leasing; and
 - (d) The ability of the applicant to perform the activity and implement any special lease conditions.
- (5) Failure of the Lessee to perform effective cultivation shall constitute cause for termination of the lease and forfeiture to the Authority of all the works, improvements, and shellfish or other aquaculture product in and upon the leased land and water column. Effective cultivation shall consist of the reasonable and bona fide attempt to grow shellfish or other aquaculture products in a density suitable for commercial harvesting, in accordance with an acceptable business plan submitted to the Authority by the Lessee as part of the lease application.

k. Mangrove Trimming

- (1) Trimming of mangroves may only be conducted in accordance with Florida Department of Environmental Protection regulations and with authorization from the Environmental Protection Commission of Hillsborough

County in addition to obtaining authorization from the Authority pursuant to these rules.

B. **AQUATIC RESOURCE PROTECTION AREAS**

1. Management Goals

- a. To preserve, protect, and enhance exceptional areas of Sovereignty Lands by reasonable regulation of human activity on Sovereignty Lands within these areas
- b. To protect and enhance the waters of these areas so that the public may continue to enjoy the traditional uses such as swimming, boating, and fishing
- c. To encourage the protection, enhancement or restoration of the biological, aesthetic, or scientific values of these areas, including but not limited to the modification of existing manmade conditions toward their natural condition and discourage activities which would degrade the aesthetic, biological, or scientific values of these areas
- d. To preserve, promote, and protect indigenous life forms and habitats of these areas
- e. To maintain the beneficial hydrologic functions of these areas
- f. To provide navigational access to these areas only to the extent required by riparian rights
- g. To ensure compliance of all uses of Sovereignty Lands with applicable management plans and policies

2. Prohibited Activities

In addition to the prohibitions of Section V.A.2. of these rules, the following activities are prohibited in Aquatic Resource Protection Areas (ARPA):

- a. New construction of seawalls waterward of the mean or ordinary high water line, or new filling waterward of the mean or ordinary high water line. This prohibition shall not apply in the case of public road and bridge projects where no reasonable alternative exists, or for maintenance and repair of existing structures.

- b. Crossing Sovereignty Lands to provide private or public water supply or telephone or electrical services to islands where such utilities did not previously exist.
- c. The taking of indigenous life forms for sale or commercial use that are not subject to the exclusive jurisdiction of the Florida Game and Fresh Water Fish Commission or the Marine Fisheries Commission. This shall not preclude a person from exercising his right to commercial and recreational fishing, subject to other applicable regulatory criteria.
- d. Discharge of wastes or effluent into an ARPA which degrade the biological, aesthetic, or scientific values of the preserve.
- e. New dredging to obtain navigable depths, and only minimum dredging of any type may be allowed where damage to natural resources will not occur, and where spoil disposal is in compliance with the provisions of these rules.
- f. Disposal of dredged materials, unless for wildlife habitat creation, or shown to be in the public interest.
- g. Any regulated use of Sovereignty Lands without specific written authorization from the Authority appropriate to the type of use.
- h. Sundecks over Sovereignty Lands shall be prohibited.

3. Resource Management Standards

The following standards for use supplement those in Section V.A.3., and, to the extent they are more stringent, they shall prevail:

- a. Each proposed activity in an ARPA having a state or local management plan must be consistent with the management plan.
- b. No dock or pier shall extend waterward of the mean or ordinary high water line more than 50 feet or twenty percent of the navigable width of the waterbody at that particular location, whichever is less.
- c. Certain docks or piers may fall within areas of special or unique biological, scientific, historic and/or aesthetic value and require

special management consideration. Conditions for approval may be more restrictive than the normally accepted criteria. Such conditions shall be determined on a case-by-case analysis, and may include, but shall not be limited to, changes in dock or pier location, configuration, length, width and height and the number, lengths, drafts and types of vessels.

- d. All piers shall be constructed in accordance with the following applicable criteria:
 - (1) Railings shall be placed around the entire perimeter of the pier.
 - (2) Dredging is strictly prohibited when associated with pier construction or maintenance.
- e. Where aquatic resources may be adversely impacted by the effects of shading, access walkways to docks and piers shall be constructed to a minimum height of 3.5 feet above mean or ordinary high water; planking shall be no more than eight inches wide and spaced no less than one-half inch apart.
- f. Arthropod control practices within the ARPA are restricted to those activities approved or adopted in Public Lands Arthropod Control Management Plans, pursuant to Section 388.4111, F.S.
- g. Restoration, repair or replacement of seawalls is limited to their previous location, or upland of, or within twelve inches waterward of their previous location.
- h. Private single-family residential docks and covered boatslips shall conform to the following standards and criteria:
 - (1) The width of the main access dock walkway shall not exceed four feet;
 - (2) The size of a terminal platform shall not exceed 160 square feet;
 - (3) A covered boatslip if constructed:
 - (a) Must have a roof with a slope between 4:1 and 6:1,

run over rise;

- (b) The total covered area shall not exceed 160 square feet.
 - (c) Shall not include a catwalk inside the covered area that is more than three feet wide;
 - (4) If a dock is to have both a terminal platform and a covered slip, the total area covered by both shall not exceed 160 square feet;
 - (5) The area of Sovereignty Land preempted by the docking facility shall not exceed ten square feet for each linear foot of shoreline owned by the applicant along the affected waterbody.
- k. Private multi-family docking facilities shall conform to the following specific standards and criteria:
- (1) The area of Sovereignty Land preempted by the docking facility shall not exceed ten square feet for each linear foot of shoreline owned by the applicant along the affected waterbody.
 - (2) The docking facility and any mooring areas, turning basins or associated dredging shall not occur within an area of special or unique importance; however, main access walkways may pass through such an area provided that such crossing will generate only minimal environmental impact.
 - (3) Main access dock walkways and connecting crosswalks shall not exceed six feet in width;
 - (4) Finger piers shall not exceed four feet in width, and 25 feet in length;
 - (5) Pilings may be utilized as required to provide adequate mooring capabilities.
- l. Commercial, and other revenue generating docking facilities shall conform to the following specific design standards and criteria:

- (1) Docking facilities and any associated dredging shall not occur within an area of special or unique importance, however, main access docks may be allowed to pass through such areas to reach a terminal mooring area provided that such crossing will generate only minimal environmental impact;
 - (2) Docking facilities shall only be located in or near areas with good water circulation and flushing abilities.
- m. Aquaculture activities maybe authorized, subject to the following conditions:
- (1) Aquaculture activities will not be allowed in areas of special or unique importance.
 - (2) Lease sites will be subject to approval based upon their compatibility with overall existing commercial and recreational uses and resource management plans;
 - (3) Aquaculture activities shall not preempt traditional uses of the aquatic preserve or infringe on riparian rights of ingress and egress;
 - (4) Lease sites shall not include the installation of any fixed offshore structures or accommodate any liveaboard or permanent mooring of any vessel;
 - (5) The aquaculture activity shall not impede the natural flow of waters;
- n. There shall be no lease or transfer of interest of Sovereignty Lands in ARPA's, except when such lease or transfer is in the public interest.
- o. In evaluating applications for activities within ARPA's or activities that may impact the ARPA's, the Authority recognizes that, while a particular alteration of the ARPA may constitute a minor change, the cumulative effect of numerous such changes often results in major impairments to the resources of the ARPA. Therefore, the Authority shall evaluate a particular site for which the activity is proposed with the recognition that the activity, in conjunction with other activities may adversely affect the ARPA. The impact of a proposed activity

shall be considered in light of its cumulative impact on the ARPA's natural system. The Authority shall include as a part of its evaluation of an activity:

- (1) The number and extent of similar human actions within the ARPA which have previously affected or are likely to affect the ARPA;
- (2) Similar activities within the ARPA that are currently under consideration by the Authority;
- (3) Direct and indirect effects upon the ARPA that may reasonably be expected to result from the activity;
- (4) The extent to which the activity is consistent with a management plan for the ARPA, if applicable;
- (5) The extent to which the activity is in accordance with comprehensive plans adopted by affected local governments, pursuant to Section 163.3161, F.S., and other applicable plans adopted by local, state, and federal governmental agencies; and
- (6) The extent to which the loss of beneficial hydrologic and biologic functions would adversely impact the quality or utility of the ARPA.

C. TIDAL WATERS - COMMERCIAL

1. Management Goals

- a. To protect and enhance commercial navigation and related commercial activities
- b. To accommodate the joint utilization of these areas for commercial and recreational navigation
- c. To ensure appropriate compensation for commercial use of Sovereignty Lands
- d. To minimize avoidable impacts to natural resources to the extent

practicable.

2. Prohibited Activities

The provisions of Section V.A.2. of these rules shall apply to these Jurisdictional Lands.

3. Resource Management Standards

The provisions of Section V.A.3. of these rules shall apply to these Jurisdictional Lands.

D. TIDAL WATERS - URBAN

1. Management Goals

- a. To accommodate navigational access commensurate with historic and traditional uses;
- b. To avoid interference with navigation;
- c. To minimize unnecessary alteration of natural shorelines
- d. To minimize the aesthetic impacts of structures constructed on Jurisdictional Lands on adjacent upland properties
- e. To minimize impacts to natural resources to the extent practicable

2. Prohibited Activities

The provision of Section V.A.2. of these rules shall apply to these Jurisdictional Lands:

3. Resource Management Standards

The following standards for use supplement those in Section V.A.3, and, to the extent they are more stringent, they shall prevail:

- a. Use of rip-rap or other energy-dissipating construction methods in front of existing vertical seawalls or bulkheads will be encouraged.

- b. Sundecks, only for private single family docking facilities, shall be allowed only over permitted covered slips, provided that no objections are received from the EPCHC and from both adjacent property owner.
- c. No dock or pier shall extend waterward of the mean or ordinary high water line more than twenty-five percent of the applicable width of the waterbody at that particular location. Maximum structure extensions can be further restricted based upon site specific circumstances regarding navigational safety and existing structures.

E. TIDAL WATERS - RURAL

1. Management Goals

- a. To enhance existing natural resources;
- b. To maintain the natural features of existing shorelines and to encourage the restoration of natural features.
- c. To allow structures to provide navigational access only to the extent consistent with historic and traditional uses.

2. Prohibited Activities

In addition to the prohibitions of Section V.A.2. of these rules, the following activities are prohibited on these Sovereignty Lands:

- a. New dredging of previously undredged areas unless deemed to be in the public interest.
- b. Disposal of dredged materials, unless for wildlife habitat creation, or shown to be in the public interest.

3. Resource Management Standards

The following standards for use supplement those in Section V.A.3, and, to the extent they are more stringent, they shall prevail:

- a. No dock or pier shall extend waterward of the mean or ordinary high water line more than twenty-five percent of the navigable width of

the waterbody at that particular location, whichever is less. Maximum structure extensions can be further restricted based upon site specific circumstances regarding navigational safety and existing structures.

- b. Sundecks, only for private single family docking facilities, shall be allowed only over permitted covered slips, provided that no objections are received from the EPCHC and from both adjacent property owners.
- c. Private single-family and multi-family residential docks and covered boatslips shall conform to the following standards and criteria:
 - (1) The width of the main access dock shall not exceed five feet;
 - (2) A covered boatslip if constructed:
 - (a) Must have a roof with a slope;
 - (b) Shall not include a catwalk inside the covered area that is more than four feet wide;
 - (3) If a dock is to have both a terminal platform and a covered slip, the total area covered by both shall not exceed 520 square feet.

F. RIVERS - DOWNTOWN

1. Management Goals

- a. To minimize impacts on recreational and commercial navigation.
- b. To minimize impacts to natural resources to the extent practicable.

2. Prohibited Activities

The provisions of Section V.A.2. of these rules shall apply to these Jurisdictional Lands.

3. Resource Management Standards

The provisions of Section V.A.3. of these rules shall apply to these Jurisdictional Lands.

- a. Sundecks, only for private single family docking facilities, shall be allowed only over permitted covered slips, provided that no objections are received from the EPCHC and from both adjacent property owners.

G. RIVERS - URBAN

1. Management Goals

- a. To accommodate reasonable recreational access commensurate with historical and traditional uses;
- b. To avoid impacts on navigation;
- c. To minimize impacts to natural resources;
- d. To maintain natural shoreline aesthetics;
- e. To encourage the restoration of natural shorelines;

2. Prohibited Activities

The provisions of Section V.A.2 of these rules shall apply to these Jurisdictional Lands.

3. Resource Management Standards

The following standards for use supplement those in Section V.A.3., and, to the extent these specific standards are more stringent, they shall prevail:

- a. Use of rip-rap or other energy-dissipating construction methods in front of existing vertical seawalls or bulkheads will be encouraged.
- b. No dock or pier shall extend waterward of the mean or ordinary high water line more than twenty-five percent of the navigable width of the waterbody at that particular location.

- c. The area of Jurisdictional Land preempted by the docking facility shall not exceed ten square feet for each linear foot of shoreline owned by the applicant along the affected waterbody.
- d. Private single-family residential docks shall conform to the following standards and criteria:
 - (1) The width of the main access dock walkway shall not exceed five feet;
 - (2) A covered boatslip if constructed:
 - (a) Must have a roof with a slope;
 - (b) Shall not include a catwalk inside the covered area that is more than four feet wide;
 - (3) If a dock is to have both a terminal platform and a covered slip, the total area covered by both shall not exceed 520 square feet.
- e. Sundecks, only for private single family docking facilities, shall be allowed only over permitted covered slips, provided that no objections are received from the EPCHC and from both adjacent property owners.

H. RIVERS - RURAL

1. Management Goals

- a. To enhance existing natural resources;
- b. To maintain natural shoreline aesthetics;
- c. To minimize the impacts of recreational navigation of natural resources;

2. Prohibited Activities

In addition to the prohibitions of Section V.A.2. of these rules, the following

activities are prohibited on these Sovereignty Lands:

- a. Sundecks over Sovereignty Lands shall be prohibited;

3. Resource Management Standards

The following standards for use supplement those in Section V.A.3, and, to the extent these specific standards are more stringent, they shall prevail:

- a. No dock or pier shall extend waterward of the mean or ordinary high water line more than 35 feet or twenty percent of the width of the waterbody at that particular location, whichever is less.
- b. The area of Sovereignty Land preempted by the docking facility shall not exceed ten square feet for each linear foot of shoreline owned by the applicant along the affected waterbody.
- c. Private single-family residential docks and covered boatslips shall conform to the following standards and criteria:
 - (1) The width of the main access dock shall not exceed four feet;
 - (2) The size of a terminal platform shall not exceed 160 square feet;
 - (3) A covered boatslip if constructed:
 - (a) Must have a sloped roof;
 - (b) The total covered area shall not exceed 160 square feet;
 - (c) Shall not include a catwalk inside the covered area that is more than four feet wide;
 - (4) If a dock is to have both a terminal platform and a covered slip, the total area covered by both shall not exceed 160 square feet.

I. LAKES

1. Management Goals

- a. To accommodate reasonable navigational access in accordance with historical and traditional uses;
- b. To maintain the aesthetic values of lakeshore areas;
- c. To prohibit non water-dependent uses of Sovereignty Lands;
- d. To minimize interference with recreational uses of waters;
- e. To minimize impacts to natural resources.

2. Prohibited Activities

The provisions of Section V.A.2. of these rules shall apply to these Sovereignty Lands.

3. Resource Management Standards

The following standards for use supplement those in Section V.A.3, and, to the extent they are more stringent, they shall prevail:

- a. No dock, pier, or associated structure shall extend waterward of the ordinary high water line more than 75 feet.
- b. Sundecks shall be allowed only over permitted covered slips, provided that no objections are received from the EPCHC and from both adjacent property owners.
- c. New boat ramps shall be constructed using open pervious construction materials which permit the growth of vegetation within them.